ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

REGULAR SESSION 1982

VOL. I

FOB JAMES, Governor
GEORGE D. H. McMILLAN, Lieutenant Governor
FINIS ST. JOHN, President Pro-Tem of the Senate
JOE C. McCORQUODALE, JR., Speaker of the House
RICHARD S. MANLEY, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1982 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman
Secretary of State

STATE OF ALABAMA

DON SIEGELMAN
SECRETARY OF STATE

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At the request of the Secretary of State's office, the Alabama Department of Insurance has provided the 1980 CSO Mortality Table Annuity Factors and Life Expectancy Table for printing in the 1982 bound acts.

The CSO Mortality Tables which had previously appeared in the bound acts were approved in 1958, and had outlived their usefulness as a reflection of contemporary longevity patterns. As life expectancies for both men and women are substantially higher today than a quarter of a century ago, production and dissemination of current tables was clearly in order.

The 1980 CSO Mortality Table data base was adopted by the National Association of Insurance Commissioners in plenary session in New York City in December, 1980. This table consists of data upon which the actual Life Expectancy Table could be based.

It is hoped that these current tables will prove useful to courts and attorneys, the insurance industry and its consumers, and to the public.

We have received very positive response to the numbering system, initiated in 1979, for acts of the legislature. Under this system, every act of the legislature, regardless of the type of session in which it was enacted, is numbered sequenially in the order received by the Secretary of State. Numbering begins at the commencement of each calendar year and incorporates a two-digit prefix corresponding to the last two digits of the year of enactment. For example, the first act passed by the legislature in 1982 is designated as Alabama Act 82-1, the second act as 82-2, and so forth.

Suggestions regarding the organization, publication and distributrion of these acts are welcomed.

Don Siegelman
Secretary of State

STATE-OF-THE-STATE ADDRESS TO JOINT SESSION OF THE LEGISLATURE BY GOVERNOR FOB JAMES AT REGULAR SESSION JANUARY 12, 1982

Governor McMillan, Speaker McCorquodale, ladies and gentlemen of the Legislature, my fellow Alabamians.

Tonight there are 32,362 fellow citizens out of work in Jefferson County, 7397 out of work in Etowah County, and 8120 out of work in Lauderdale and Colbert Counties; and across this state there is an unemployment rate of 11.4 percent, the second highest in America.

The hard question that must be answered is who caused it? I believe we have been victims of a federal government that failed to discipline itself, that ran up a tremendous deficit, and that made up the difference by printing bogus dollars. This caused high inflation. Our paychecks lost value. Our retirement checks lost value. If it had happened in one year, there would have been total chaos, but it happened gradually over two decades.

And this is only half of it. Has the Federal Congress called for a constitutional amendment mandating a balanced budget to remedy inflation? No! Has the Federal Congress called for a return to the traditional Gold Standard that served us so well for so long? No! For two decades we have been marched to the guillotine of high interest rates under the subterfuge of stopping inflation. For twenty years, until 1981, the leaders of our national government never questioned the basket-case economic policy of those who imposed high interest rates to curb inflation—high interest rates that wreck our payrolls, our paychecks, and our job markets. Our people have suffered. The international banking community and a few others profit billions without hitting a lick at a snake or taking any capital risk whatsoever. We are left with runaway inflation, high unemployment, high interest rates, and a one-trillion-dollar deficit to show for twenty years of selfish special-interest politics in Washington, DC. We changed our national direction 180 degrees one year ago, but economic vitality and stability will not come quickly or easily. No one man can repair in one or two years a nation that has had its treasury ransacked for twenty years. So, what can we do as a state government to help our own unemployed?

We are a state heavy in plants producing tires, steel, and parts for the automobile industry. This great industry that ten years ago was the strongest in the world is now struggling to get its house in order—to survive in a world market. In the meantime, we can help those laid off to find new jobs, and if additional training is necessary,

provide such training. **This is being done.** And if any company wants to reconsider a decision to close a plant, we can make sure every alternative is explored. This, too, is being done, as was the case with U.S. Steel in Birmingham. Then, we must continue to seek new industry to give Alabama a more diversified industrial base.

Our home-building industry has almost come to a standstill because of high interest rates. The good work of this Legislature in the last special session has set the stage for major improvement this year. In December, 100 million dollars at between 13 and 14 percent interest was made available as mortgage money for home owners and home builders. There will be an additional two hundred million dollars coming this year and the impact on unemployment will be tremendous . . . not only for direct construction jobs which will run in the thousands, but for men and women that work in industries providing supplies, materials, home furnishings, real estate services, financial and insurance services, and transportation to the home-building industry. In terms of jobs for Alabamians, it will run into the tens of thousands, **all in the private sector.**

In the last Special Session of the Legislature, we did not stop with making provisions to revitalize the home-building industry. We also adopted a plan to start over 500 million dollars in public-works construction this year—school houses and highways; six major bridges. In each case, a thing of real value the people can use for years to come. These projects will create over 12,000 direct construction jobs and tens of thousands of jobs in support industries and businesses.

Although this Legislature overwhelmingly passed my plan for utilization of our one-time oil-bonus money, you, the people, will have the final say by popular vote on Tuesday, March 2, 49 days from tonight. It will be listed as Amendments No. 1, No. 2, and No. 3 on the ballot, and I respectfully request you vote "yes" and let's get tens of thousands of fellow Alabamians working again. **Now.**

There are those who say my plans to use the oil money to purchase real value for the people and create real jobs is unsound. Well, I say it is financially the soundest thing state government has ever put before the people of Alabama. I urge you, the people, to go to the polls on March 2 and vote "yes" on Amendments No. 1, No. 2, and No. 3, and provide real jobs for tens of thousands of Alabama citizens while preserving **intact** our 460-million-dollar principal for future generations to use.

I am discussing unemployment tonight because I think it essential we understand what has caused it. I am sensitive to the needs of the jobless and I feel the hardship and suffering of many fellow citizens who are out of work today in Alabama. I want to offer real hope and expectation to jobless Alabamians for real jobs as a result

of what this Legislature and this administration have already initiated for the next three years, during which time I firmly hope and believe our national economy will be restored to one of stability and vitality, and our automotive industry will have turned the corner.

Now to the business at hand. This session is very special as this is the first time we are working under the isolation procedure. The reasons for isolating the budgets are to allow each legislator, the public and the press more than ample opportunity to know how every tax dollar is being spent, to have time to question each expenditure, to understand all elements of cost, and to make it difficult not to pass the budgets during the regular session.

My job is to deliver quality public services at a fair price to the taxpayers of Alabama. Let me say now, the taxpayers send more than enough money to Montgomery to run state government and run it well. State employees have greatly improved many departments during the last three years. The Highway Department is one example, Medicaid another, Prisons another, Mental Health another, the National Guard another, and the list goes on. Our school children have shown marked improvement on competency-test scores, thanks to thousands of dedicated teachers. But the facts clearly show we still have some areas where our costs are out of line—bad out of line—and it can only be brought back into line by acts of this Legislature.

On salaries for state employees, we are proposing the adoption of a reclassification plan that is long overdue. It is performance oriented. It cleans up the mess in which our job classification system has fallen since its inception 30 years ago. It is fair to employees and fair to taxpayers. It offers state employees far greater opportunites for advancement. It deals fairly with promotions, dismissals, salaries, and working conditions. It is the backbone of our Merit System. It is a vital step toward getting our costs in line.

Dr. Hal Ballard, our new Personnel Director, stands ready to give you every detail of our proposed reclassification plan. With your approval, this plan can be enacted effective May 1, 1982. I respectfully request your rapid approval.

The cost of government is greatly affected by the cost of fringe benefits. Although these costs are hidden, they have to be paid just as wages. The Retirement Systems and Social Security takes up over 15% of every dollar sent to Montgomery. This is out of line. This is unfair to taxpayers and unfair to public employees because it creates a cost too high for the state to pay each year to insure the integrity of the Retirement Plan . . . to insure that when a state employee or teacher retires their money will be waiting for them. This situation was not created by state employees and teachers. It was created by

numerous acts of **prior** legislatures. This was done in spite of warnings from many quarters. It is up to us to correct it. I make this proposal to strengthen our Retirement Plan.

Our formula is now 2.0125, the highest of all 50 states in the nation. This means that upon retirement, an employee of 30 years will get 30 x 2.0125 or 60% of the average salary for the top three years. Under these conditions when an employee reaches 62 or 65 and Social Security is earned, that employee is then drawing 20% to 30% **more** take-home pay after retiring than while working. I want to repeat that . . . the employee is then drawing 20 to 30 percent more take-home pay **after** retiring than while working.

My proposal provides that all employees who went to work prior to October 1, 1982 will be grandfathered in on all retirement benefits earned prior to October 1, 1982. After October 1, 1982, for **current employees,** I propose an option with two choices.

The first choice would be to continue with the formula of 2.0125 with the employee contributing 6% rather than 5%. This should be very attractive to our older employees.

The other choice would be for current employees to change to a new formula of 1.6 with the employee contributing 5% to the plan. This would be very attractive to our younger employees.

All new employees that come to work after October 1, 1982 would have a formula of 1.6 and an employee contribution of 5%, which, including Social Security, will give new employees upon retirement a take-home pay 100 percent or more of their average salary for the top three years.

The state now pays for two retirement plans for faculty in our four-year universities: the state retirement and the TIAA retirement plans. I recommend we make this optional. In other words, the employee may choose one or the other, but not both!

These "positive revisions" provide excellent retirement benefits and it puts our Retirement Systems on solid ground for today and for the future, and it gets our costs in line.

There are several other modifications that need to be made relative to holidays, accumulated sick leave as severance pay upon retirement, and vacation schedules. The state needs to consider some fringe benefits such as life insurance and disability insurance. I have proposed the necessary changes to give state employees a balanced, highly competitive package of fringe benefits. Each fringe benefit was created by acts of prior legislatures and it will take an act of this Legislature to get our costs in line.

I am recommending a 14% raise for teachers and support personnel which costs 85.9 million dollars. This leaves little or no reserve in anybody's education budget for contingencies or a shortfall in projected revenue.

I am recommending a 10% raise for state employees which costs 36.4 million dollars. This leaves little or no reserve in anybody's General Fund budget for contingencies or a shortfall in projected revenue.

However, if you pass my proposals for "positive revisions" on fringe benefits, you will create a 27.4-million-dollar reserve in the education budget and a ten-million-dollar reserve in the General Fund. I propose part of these savings be used to provide a raise of 6% for retired teachers and state employees.

This will leave a 21.4-million-dollar reserve in the education budget and an 8.2-million-dollar reserve in the General Fund. You will not have proration. I repeat, you will **not** have proration. It is right to maintain a reserve and it is right to position our retirement funds on solid ground once and for all. It is especially right to maintain a reserve in light of changing federal funding of many programs. With your passage of my proposed reforms, the price of government to the taxpayer is in line.

Let me speak directly to teachers and state employees. When I came here three years ago, things were fairly quiet for about six months as I was looking and listening, not talking much, just looking and listening. You know what I found? I found a moss-backed, ugly, mean bureaucracy that didn't care about the taxpayers, about the school children, about you, about poor people, but only wanted to use you and state government from the Highway Department to the Building Commission to certain elements of education, for what they could get out of it. Nepotism, cronyism, and buddyism were rampant. I found a big bully that was the system itself. Now, I wasn't a politician, but I knew better than most how to handle a bully. So I quietly walked up and hit that bully right in the mouth as hard as I could, and I drew blood, lots of it, and the bully hollered. Well, I've kept body punching ever since and the bully keeps hollering. The bully hollered that the Governor was destroying the Retirement Systems. That is a lie. The truth is, the Governor is **saving** the Retirement Systems.

The bully hollered that the Governor is against state employees. That's another lie. Sure I want an honest day's work for an honest day's pay, but can one state employee out of 28,000 name one time during the last three years that cronyism or political influence was imposed on his work? No! I have placed more Merit System workers

as department heads than any governor in Alabama history, and I'm proud of every one of them.

I started the War on Illiteracy, and the bully hollered that the Governor is sending teams of bureaucrats out to the schools and paying them $40,000 each. That was the biggest lie ever told. You know the truth today. There were six teams comprised of five or six classroom teachers of longstanding, earning the same as any other teacher, with one thought in mind—to help—and Lord knows we've got some schools that need help.

The bully still hollers but the bully grows weaker each day. If this Legislature passes my reform proposals, this bureaucratic bully of lies, distortions, nepotism, inefficiency, misrepresentations, cronyism and special interests will be dead and buried for a long, long time. The moral of this is know the facts. Get the truth.

My second reform proposal is designed to change the mission, authority, and the name of ACHE (Alabama Commission of Higher Education) so we can get a handle on the cost of two-year colleges and four-year colleges and universities. I remind you that there is a vacuum of fact, an absence of role and scope, a total lack of accountability and program control throughout all elements of higher education. Until each of these deficiencies is remedied, **raw politics** will prevail as the key ingredient of how the tax dollars are used in two-year colleges and four-year colleges and universities. The people that suffer from these deficiencies are the students, the faculty and the taxpayers. I ask your passage of these reforms.

My third reform proposal has to do with the ultimate responsibility of government to protect its citizens—every child, every woman, every man—against the ravages of crime. Some give lip service to this responsibility. I say action is all that counts. Major state penitentiaries are under construction on accelerated schedules. That is action —**action** made possible by the good work of this Legislature. Now it is time to correct in a sane, sensible manner those laws on our books that tilt the scales of justice toward the criminal at the expense of the blood and the belongings of the innocent and the victims. It is time to correct a system of justice that is soft on white-collar crime. It is time to recognize that our penal system must rehabilitate and turn back into society, sometimes under probation or parole, those inmates that are reformed and deserving and that have paid their debt to society. **But above all,** we must keep locked up those criminals who are dangerous and who have not paid their debt to society.

Some two months ago, I appointed a Governor's Commission on Crime, made up of outstanding citizens from every walk of life, with Judge Joe Phelps as Chairman. This commission has held hearings

all over the state, heard testimony from citizens, judges, victims, law enforcement personnel, youth workers, social workers and all who are in contact with crime in our society. They have made 32 recommendations which comprise the legislation. I am proposing to make equal justice for all a reality, and enable government to meet its fundamental responsibility of protecting the innocent.

To Judge Joe Phelps, the Chairman, members of the Commission, and all who testified, I say thank you for a job well done.

With all my heart, I believe that these three reform proposals are solidly in the best interests of the taxpayers, the children, the innocent law-abiding citizens of Alabama and the public employees of Alabama.

On many occasions I have said that this Legislature, this Senate, this House, has a mark of greatness on it. I testified in Washington last Friday that I believe the federal government, in sending money back to the states, should make one requirement only: **that not one dime could be spent until appropriated by the state legislature.** Far and wide I have reminded people that the state legislature is the fountainhead governmental body of this country. It is the essence of the rights of states. I have pointed out that not too many decades have passed since the state house elected our two U.S. Senators. I have pointed out that every single element of Alabama citizenship is represented right here. I absolutely refused to usurp the prerogative of the Alabama House and Senate to organize themselves. I have stood by that principle without flinching. There are those that say you will quit the field of responsible government in the fourth quarter. I say they are dead wrong. I believe this Legislature will be even more responsible in the fourth quarter. I leave these reform proposals in your hands. As I said in the last special session I leave them in good hands.

This Legislature has been faced with greater challenges than any in memory and has met those challenges imposed on us by courts, by the economy and by the demands for legislative change. If you finish the job in this final regular session, and I believe you will, history will record the work of this group of legislators as the men and women who, by their actions, moved Alabama forward to a new day of greatness. Thank you.

ALABAMA LAWS

and Joint Resolutions

REGULAR SESSION 1982

Act No. 82-1 H.J.R. 2—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved January 25, 1982

Time: 4:30 P.M.

Act No. 82-2 H.J.R. 3—Reps. Riddick, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts,

Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING ASTRONAUT JOE HENRY ENGLE, COLONEL, UNITED STATES AIR FORCE.

WHEREAS, United States Air Force Colonel, Joe Henry Engle, was selected as an astronaut with the National Aeronautics and Space Administration program in 1966, a distinct honor accorded a very select group of courageous American patriots who have become heroes to a proud and grateful nation; and

WHEREAS, a native of Kansas and a 1955 graduate of the University of Kansas, Colonel Engle was selected for the experimental X-15 rocket plane program in 1963 and, following a total of 16 flights, reaching an altitude of more than 280,000 feet, became qualified as an astronaut; and

WHEREAS, he has performed as a backup lunar module pilot for Apollo 14, as a commander of one of the two crews to fly shuttle approach and landing tests, and was the backup commander for the first shuttle orbital flight test of the Columbia; and

WHEREAS, on November 12, 1981, Colonel Joe Engle, as commander, was aboard the Columbia space shuttle for the historic second flight of a vehicle into space, successfully completing a mission which thrust our nation to the forefront of space accomplishment and to world prominence; and

WHEREAS, Our triumphs in space exploration, and the courage of our astronauts, are indeed a source of great pride to all Americans, but most particularly to this body and to the citizens of Alabama who have long been personally involved through the contributions of our own Marshall Space Flight Center in Huntsville where the propulsion system of the shuttle Columbia was developed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend NASA astronaut, Colonel Joe Henry Engle, a true patriot and a great American.

BE IT FURTHER RESOLVED, That Colonel Engle be presented with a copy of this resolution in token of our regard for his accomplishments and in gratitude for outstanding service to his country.

Approved January 25, 1982

Time: 4:30 P.M.

Act No. 82-3

H.J.R. 4—Reps. Riddick, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING ASTRONAUT RICHARD HARRISON TRULY, CAPTAIN, UNITED STATES NAVY.

WHEREAS, in 1965, at the age of 27, Navy Captain Richard Harrison Truly entered America's space program as our nation's

youngest astronaut, a native Mississippian and a graduate of Georgia Institute of Technology who had served as a Navy fighter pilot aboard the carriers Intrepid and Enterprise, and had been a participant in the Air Force Aerospace Pilot School; and

WHEREAS, following assignment to the Manned Orbiting Laboratory project as an astronaut, he transferred to the NASA group in 1979, and served as a member of the astronaut support crew for Skylabs 2, 3 and 4, and for the Apollo-Soyuz Test Project as well; and

WHEREAS, Captain Truly, in his current assignment to space shuttle development, has been a member of one of the two shuttle approach and landing test crews, served as backup pilot for the first shuttle orbital flight test, and as pilot for the recent second flight of the Columbia which was a milestone in history, marking the first time ever for a spaceship to make a second venture into space; and

WHEREAS, November 12, 1981, launch date for the Columbia, also was a milestone in the life of Captain Truly as his 44th birthday and as the first time ever for a grandfather to journey into space; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Astronaut Richard Harrison Truly as a courageous and dedicated American who has greatly contributed to our nation's accomplishment in space.

BE IT FURTHER RESOLVED, That Captain Truly be presented with a copy of this resolution which is tendered in gratitude and with warm personal regards.

Approved January 25, 1982

Time: 4:30 P.M.

Act No. 82-4 H.J.R. 5—Rep. Riddick

HOUSE JOINT RESOLUTION

CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON JANUARY 14, 1982, AT 11:00 A.M.

WHEREAS, for our place of prominence in space exploration, America owes a debt of gratitude to the dedicated men and women of the National Aeronautics and Space Administration and to our courageous astronauts who are responsible for our nation's achievement in space; and

WHEREAS, it is also with deep pride that we look to our accomplishments and, most particularly, to those of the Marshall Space Flight Center in Huntsville, Alabama, where the propulsion system of the space shuttle Columbia was developed; and

WHEREAS, aboard the Columbia, on its maiden flight into space, was the flag of the State of Alabama, which is to be presented to Governor Fob James on behalf of the citizens of Alabama by Astronauts Joe Engle and Richard Truly, who successfully completed the shuttle's second orbital flight; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the Alabama Legislature be held on January 14, 1982, at 11:00 a.m., in the House Chamber, for the purpose of flag presentation ceremonies to Governor James by Astronauts Engle and Truly.

Approved January 25, 1982

Time: 4:30 P.M.

Act No. 82-5 H.J.R. 22—Reps. Sasser, Patton, Letson, Holmes, Adams (C), Mitchell, Adams (H), Blake, Brakefield, Carothers, Crow, Gilmer, Grimsley, Howard, Langford, Owens, Penry, Roberts, Turner, Williams

HOUSE JOINT RESOLUTION

PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE PUBLIC EMPLOYMENT SERVICE TO A REASONABLE FUNDING LEVEL CONSISTENT WITH THE NEEDS OF EMPLOYERS AND THE LABOR FORCE OF THIS NATION.

WHEREAS, the national system of Public Employment Offices was established in 1933 under the provisions of the Wagner Peyser Act to combat the high unemployment of the "great depression"; and

WHEREAS, the national system of Public Employment Offices has been historically the moving force to unite employers in need of workers with the largest available resource of manpower; and

WHEREAS, the national system of Public Employment Service has become the primary agency for referral to employment and train-

ing programs designed to train and upgrade the "labor force" of America; and

WHEREAS, every Alabamian deserves the opportunity to know the dignity of work as nothing contributes more to an individual's sense of pride and self-worth, and Alabama business, likewise, deserves the right to earn a fair profit under the American system of free enterprise, and the Alabama State Employment Service is dedicated to nurturing the mutually rewarding partnership of business and labor with the mission to bridge the gap between employer and employee, lending support to both as they pursue common goals; and

WHEREAS, one of every eight people in the State of Alabama during fiscal year 1981 applied for assistance at one or more of the Alabama State Employment Service local offices; and

WHEREAS, the Alabama State Employment Service has suffered budget reductions causing a decrease of 47.3% in staff since July 1, 1981, and the closing of the following offices and itinerant service points: Mobile Bel-Air, Birmingham Youth Opportunity Center, Roanoke, Birmingham Apprenticeship Information Center, Bessemer, Prichard, Phenix City, Ozark, Sylacauga, Russellville, Troy, Decatur, Montgomery East, Opp, Butler, Elba, Clayton, Clio, Rainsville, Hayneville, Wetumpka, Luverne, Pell City, Arab, Oneonta and Florence; and

WHEREAS, the Congress of the United States has funded the Public Employment Service since its inception; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress of the United States to restore the Public Employment Service to a reasonable funding level consistent with the needs of employers and the labor force of this nation as contained in the present U. S. House Appropriation Bill already passed by that body.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the Alabama U. S. Congressional Delegation.

Approved January 25, 1982

Time: 4:30 P.M.

Act No. 82-6

H.J.R. 6—Reps. Bowling, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers,

Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

REGRETTING THE ILLNESS OF MR. JOHN SPARKS OF CULLMAN, ALABAMA, AND WISHING HIM A SPEEDY RECOVERY.

WHEREAS, the Legislature of Alabama notes with regret the hospital confinement of our good friend and former colleague, Mr. John Sparks of Cullman, Alabama; and

WHEREAS, Mr. Sparks, who suffered an apparent heart attack on December 16, 1981, is now recuperating at Carraway Methodist Hospital in Birmingham, following a transfer from Cullman Medical Center where he was confined for a period of two weeks; and

WHEREAS, we are pleased to note that the prognosis for a complete recovery looks bright and that Mr. Sparks' physicians indicate that he is progressing well; and

WHEREAS, Mr. Sparks is a former Cullman County circuit clerk who resigned his position to accept appointment as Postmaster of Cullman; in 1974, he won election to the Alabama House of Repre-

sentatives from Cullman County's 11th District, serving until 1979, declining to seek re-election; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we fervently beseech a speedy and complete recovery for our good friend, Mr. John Sparks of Cullman, Alabama, and direct that he receive a copy of this resolution that he may know of our concern for him during his illness.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-7 H.J.R. 7—Rep. Smith (C), Moore

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS' VOLLEYBALL TEAM.

WHEREAS, during the past five seasons, under Coach Beverly Warren, the University of Montevallo Lady Falcons' Volleyball Team has become recognized as a regional and national power with two state district titles and two ties, two AAIAW Division II titles and 13 All-State selections from among their ranks; and

WHEREAS, this past 1981 season saw the Lady Falcons take their second Division championship and tie the school record for wins with a 42-12 record for the year; and

WHEREAS, Head Coach-Athletic Director Beverly Warren, who was 1979 AAIAW Division II Coach of the Year, was assisted by Coaches Reita Price and Pam Ray; Kelly Goldsmith served as team manager, Nellie Nannini as statistician and Melissa Matthews as trainer; and

WHEREAS, All-State selections in 1981 were Elizabeth Cooley, and Sandra Sims and Deborah Milliner who were named All-Region as well; Dianne Green and Vanessa Felder were All-Tournament selections from the Lady Falcons' roster which also included Corliss Cooper, Amy Dishroon, Janet Ingram, Kim Phelps, Paula Seibert and Blanche Watkins; and

WHEREAS, it is further to be noted that, as is usually true, the success of the Lady Falcons was due in great measure to the leadership of the senior players, followed in experience, of course, by the junior and sophomore team members; the freshman Lady Falcons on the '81 team, however, played a vital role in the tremendously successful season just past; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the 1981 Lady Falcons' Volleyball Team of the University of Montevallo, Division II State Titlists.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sports Information Director Blair Cash for appropriate school display with a copy also presented to Head Coach Beverly Warren on behalf of her staff and the 1981 Lady Falcon Champions.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-8 H.J.R. 8—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT WHEN THE TWO HOUSES ADJOURN TODAY, THEY ADJOURN TO MEET AGAIN ON THURSDAY, JANUARY 14, 1982, AND WHEN THEY ADJOURN ON THURSDAY, JANUARY 14, 1982, THEY AJOURN TO MEET AGAIN ON TUESDAY, JANUARY 19, 1982.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-9 H.J.R. 9—Reps. Harper (O), Turnham, Dial

HOUSE JOINT RESOLUTION

CONGRATULATING DADEVILLE HIGH SCHOOL ON ITS 1981 DIVISION AND STATE 2A FOOTBALL CHAMPIONSHIPS.

WHEREAS, The Alabama Legislature is pleased to note the State 2A Football Championship captured by Division Titlist, Dadeville High School; and

WHEREAS, under Head Coach Wayne Keahey and his capable staff, the Dadeville High powerhouse went 12-2 for the season including crucial victories over Holtville, Calera and Luverne High Schools, and over Stephenson High in the final game for the Championship; and

WHEREAS, each and every member of the team is indeed to be congratulated for his all-out effort and for his contribution to Dadeville's outstanding 1981 season and the Crown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Dadeville High School on its 1981 Division and State 2A Football Championships.

BE IT FURTHER RESOLVED, That copies of this resolution be prepared for presentation and for appropriate display at Dadeville High School.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-10 H.J.R. 15—Rep. Dixon

HOUSE JOINT RESOLUTION

COMMENDING MR. JAMES L. MYSINGER

WHEREAS, Mr. Jim L. Mysinger has been a valued employee of the State of Alabama since 1973, when he joined the Department of Pensions and Security as a member of the department's Conversion Team, working in Greene, Dallas and Madison Counties; and

WHEREAS, commensurate with his dedicated efforts and outstanding ability, Mr. Mysinger progressively advanced to positions of more weighty responsibility and, in 1979, was appointed Legislative Assistant to the Commissioner, Department of Pensions and Security; and

WHEREAS, eminently qualified, both through experience and with an advanced degree from the University of Alabama's School of Social Work, Mr. Mysinger competently assumed the primary responsibility of his new position, acting as liaison between members of the Legislature and the Department of Pensions and Security and between the department and the United States Congress as well; and

WHEREAS, Mr. Mysinger, since 1979, has been of invaluable assistance to the Legislature, keeping members informed of the overall programs of the Department of Pensions and Security; his knowledge-ability, experience and insight, however, have been most particularly beneficial to the Welfare Old Age Pensions Program, Medicaid and Social Programs Interim Committee; and

WHEREAS, charged with the task of investigating the case and extent of welfare fraud and abuse, and in an effort to find means of eliminating fraudulent misuse of public funds, the committee has relied greatly upon Jim Mysinger, confident of his cooperation and well aware of his vast investigative experience; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. James L. Mysinger and express our deep appreciation for his invaluable assistance both to the committee and to the State of Alabama as well.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Mysinger, that he may be aware of our sincere praise, appreciation and esteem.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-11 H.J.R. 16—Rep. Bowling

HOUSE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO OVERSEE THE IMPLEMENTATION OF ACT NO. 80-381, WHICH CREATED THE ALABAMA HUMAN RESOURCES BOARD.

WHEREAS, the Legislature of Alabama, on May 7, 1980, passed Act No. 80-381, S. 318, 1980 Regular Session, which established the Alabama Human Resources Board; and

WHEREAS, the legislative intent of this Act was to utilize all available manpower in the state; and

WHEREAS, when the Act was passed, the Department of Health and Human Services ruled that it was contrary to existing federal law; and

WHEREAS, in 1981, the U. S. Congress passed the Omnibus Reconciliation Act, P.L. 97-35, which so altered federal statutes that Act No. 80-381 is no longer inconsistent with them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Oversight Committee of the Legislature to monitor the implementation of Act No. 80-381, S. 318, 1980 Regular Session. The committee shall be composed of three members of the House and three members of the Senate, to be appointed by the presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

BE IT FURTHER RESOLVED, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House

shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed $7,000.00.

This Committee shall be dissolved at the end of this Legislative term, on or about October 31, 1982.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-12 H.J.R. 17—Rep. Smith (J)

HOUSE JOINT RESOLUTION

COMMENDING MR. J. ED HORTON ON HIS RECENT INDUCTION AS A CHARTER MEMBER OF THE ALABAMA LIVESTOCK HALL OF FAME.

WHEREAS, the Alabama Legislature notes with utmost commendation the recent induction of Mr. J. Ed Horton, as a charter member, into the Alabama Livestock Hall of Fame which was organized by the Alabama Cattlemen's Association and the Southeastern Livestock Exposition to honor those living Alabamians who have made significant contributions to our state's livestock industry; and

WHEREAS, Mr. Horton of Limestone County has been engaged in the farming and cattle business for some 35 years having joined his father in partnership in 1947 to help operate the family's Macedon Farms which had been founded with a registered Angus herd in 1925; and

WHEREAS, a graduate of Columbia Military Academy in Columbia, Tennessee, and of the University of Tennessee with a degree in animal husbandry, Mr. Horton has been an active leader in Angus breed affairs for many years; he has served as president of the Alabama Angus Association and on the board of directors of that organization, and in 1979 was elected president of the 40,000-member American Angus Association; and

WHEREAS, he also has served as director and president of the Limestone County Cattlemen's Association and as president of the Alabama Cattlemen's Association as well; he is a member of the Agricultural Center Board of the State of Alabama, by appointment

of Governor Fob James, and a former member of the Alabama Legislature from 1963 to 1967; and

WHEREAS, Mr. Horton's activities extend further to include membership on the board of directors of First Federal Savings and Loan Association of Decatur, and he is a member of the Limestone County Soil Conservation Service and Saint Timothy's Episcopal Church of Athens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. J. Ed Horton of Limestone County for outstanding contributions to Alabama's cattle industry and for his leadership in the civic, business and political affairs of our state.

BE IT FURTHER RESOLVED, That Mr. Horton receive a copy of this resolution in token of our deep admiration, sincere praise and esteem.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-13 H.J.R. 18—Rep. Smith (J)

HOUSE JOINT RESOLUTION

COMMENDING MR. CHARLES EDWIN SHAVER OF HUNTSVILLE, ALABAMA, DISTINGUISHED CITIZEN OF THE YEAR.

WHEREAS, the Alabama Legislature notes with high commendation the selection of Mr. Charles Edwin Shaver as Huntsville's Distinguished Citizen of the Year, an honor bestowed for his invaluable contributions to both Huntsville and Madison County and to the State of Alabama as well; and

WHEREAS, a native of Huntsville, Mr. Shaver earned both his bachelor and law degrees from Vanderbilt University where he also was elected to the prestigious Order of the Coif; he was admitted to the Alabama and Tennessee Bars in 1931 and is a member of the Huntsville-Madison County, Alabama and American Bar Associations; and

WHEREAS, Mr. Shaver, who is his city's oldest practicing attorney, has served his profession as president of the Huntsville-Madison County Bar Association and on the Board of Commissioners for the state association; he is a former member of the Alabama House of Representatives and a former State Senator who served on the Code

Committee that revised the Alabama Code of 1923 and wrote the Alabama Code of 1940; and

WHEREAS, he was an organizer and charter member of the Board of Directors of the University of Alabama-Huntsville Foundation and has served as an officer, including the presidency, since the board's inception; he has always been a vital force in the growth of the University and continues to serve in various and major roles; and

WHEREAS, Mr. Shaver presently is a member of the Board of Directors of the First National Bank of Huntsville, the Huntsville Coca-Cola Bottling Company and the Alabama Safety Council; he is past president of the Kiwanis and Acme Clubs, past Exalted Ruler of the Elk's Club, a Mason and a Shriner, a trustee of the Presbyterian Home for Children, and a member and elder of the First Presbyterian Church; and

WHEREAS, in further civic responsibility, Mr. Shaver has been active in and a supporter of his area Chamber of Commerce, the Area Industrial Development Board and Association as well, holding a number of offices in each; and

WHEREAS, his special interest in the youth of our state is evidenced through his longtime involvement in the Boy Scouts of America, which has presented him with the Silver Beaver Award, and the Huntsville Boys Club which he helped organize and has continued to serve; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in utmost commendation and praise, we congratulate Mr. Charles Edwin Shaver as Huntsville Distinguished Citizen of the Year for 1981, and express our gratitude for his many accomplishments and contributions of note.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Shaver that he may know of our sincere warm praise and personal regard.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-14 H.J.R. 24—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn

today, Tuesday, January 19, 1982, we adjourn to meet again on Thursday, January 21; when we adjourn on Thursday, January 21, we adjourn to meet again on Tuesday, January 26; when we adjourn on Tuesday, January 26, we adjourn to meet again on Thursday, January 28; and when we adjourn on Thursday, January 28, we adjourn to meet again on Tuesday, February 2, 1982.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-15 H.J.R. 27—Reps. Holmes, Langford, Holley, Brakefield, Carter, Cates, Clark (W), Daniels, Dixon, Drinkard, Edwards, Gilmer, Grimsley, Grouby, Harvey, Horn, Laird, Mitchell, Olive, Parker, Payne, Rains, Sasser, Smith (J), Venable, Warren, Wyatt

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MONTGOMERY POLICE OFFICER MARY PEARL McCORD.

WHEREAS, it is with a sense of shock, in deep sadness and regret, that the Legislature of Alabama today notes the death of Police Officer Mary Pearl McCord of Montgomery, Alabama, on January 5, 1982, at the age of just 25 years; and

WHEREAS, her life taken in violence, Officer McCord was shot and killed in the line of duty by a suspect she and her partner were attempting to arrest; and

WHEREAS, Miss McCord, who was a native of Letohatchee, Alabama, was a graduate of Calhoun School and of Alabama State University in 1977; she had been a member of the Montgomery Police Department for some three years and assigned to the Vice and Narcotics Division since her promotion to investigator in November 1981; and

WHEREAS, her career in law enforcement, though cut short in death, was one of ability and achievement that was widely recognized as potentially major in accomplishment; she was much admired and loved by those privileged to share her life, and was held in high regard both by her superiors on the force and by her fellow officers as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Officer Mary Pearl McCord and extend our most heartfelt sympathy to all members of her beloved family who are sorely bereft in their loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss McCord's parents, Mr. and Mrs. John Taylor, that they and other family members may know of our concern for them in their time of great sorrow and grief.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-16 H.J.R. 30—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING MASTER SERGEANT JAMES HARRY LEITCH OF LIVINGSTON, ALABAMA.

WHEREAS, the January 1982 retirement of Master Sergeant James Harry Leitch brings to a close an outstanding career of almost four decades in military service; and

WHEREAS, Sergeant Leitch entered the United States Army during World War II on July 18, 1942, serving until May 21, 1946; that same year, he entered the United States Active Army Reserve where he remained until 1954; and

WHEREAS, also in 1954, he was employed as the first Army Security Technician of the Alabama Army National Guard of Livingston, Alabama, the first such unit in the Town of Livingston and in Sumter County, Alabama; and

WHEREAS, Sergeant Leitch has continued to serve as Army Security Technician for the National Guard for some 28 years for a total of 39 1/2 years of distinguished military service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Master Sergeant James Harry Leitch for outstanding service to his country.

BE IT FURTHER RESOLVED, That Sergeant Leitch receive a copy of this resolution that he may be aware of our sincere commendation and of our deep gratitude for his service and sacrifice on our behalf.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-17 H.J.R. 33—Reps. Harper (T), Penry, McMillan

HOUSE JOINT RESOLUTION

DESIGNATING THE PECAN AS THE OFFICIAL STATE NUT OF ALABAMA.

WHEREAS, the love of Alabamians for their state is greatly enhanced by the traditions they hold close to their hearts; and

WHEREAS, one of the longest established customs existing in the South is the culinary delights of tasting a secretly prepared praline or a freshly baked pecan pie; and

WHEREAS, The New Columbia Encyclopedia describes the pecan as "one of the most important nut trees of the United States"; and

WHEREAS, The redolent and ambrosial aroma of roasting pecans involuntarily causes one's papillae and lachrymal glands to salivate; and

WHEREAS, It is manifestly important that the Legislature of Alabama no longer shirks its duty to pay tribute to this native saporific fruit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the pecan as official state nut of the State of Alabama.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-18 H.J.R. 12—Rep. Starkey

HOUSE JOINT RESOLUTION

COMMENDING THE UNDERWOOD-PETERSVILLE VOLUNTEER FIRE DEPARTMENT.

WHEREAS, in 1979, the Underwood-Petersville area of our State, in Lauderdale County, found itself with no fire protection whatsoever for its citizens; and

WHEREAS, representatives of the two communities, in common

goal, met together and formed the nucleus of a volunteer fire department that today has become a model organization to be emulated by communities of similar size and need; and

WHEREAS, with no federal funds or other government aid, the Underwood-Petersville Fire Department was funded entirely through voluntary donations and through money earned from numerous community-sponsored projects; and

WHEREAS, the department's Ladies Auxiliary, for example, raised more than $10,000 on its own through bake sales, sales of such items as quilts and other handmade articles; and

WHEREAS, the building itself was also built entirely through volunteer efforts by local carpenters, painters, plumbers and other skilled tradesmen, and the equipment, purchased used, was repaired and re-built by volunteer mechanics and other repairmen, as well; and

WHEREAS, it is further to be noted that in 1981, some 20,000 hours of fire-watch time were logged by volunteers in addition to hours spent in actual fire-fighting; and

WHEREAS, thus it is that in a small Northwestern area of Alabama, the citizens of Underwood and Petersville have provided for their own and, in so doing, have established a volunteer fire department that is now visited and viewed by representatives of many small communities in both Alabama and Tennessee seeking to establish similar departments of their own; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Underwood-Petersville Volunteer Fire Department and direct that copies of this resolution be provided for Fire Chief Fred Bevis and for Mr. Johnny Dennis, Chairman of the Board of Directors, on behalf of the entire department.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-19 H.J.R. 53—Reps. Reed, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby,

Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATHS OF AIR FORCE CAPTAINS JOSEPH PETERSON AND WILLIE MAYS, AND THEIR THUNDERBIRDS TEAMMATES, MAJOR NORMAN L. LOWRY, III, AND CAPTAIN MARK E. MELACON.

WHEREAS, it is with great sadness and regret that the Legislature of Alabama notes the tragic deaths of four gallant members of the United States Air Force Thunderbirds precision flying teams; and

WHEREAS, tragically killed on January 18, 1982, during a practice session in Indian Springs, Nevada, were native Alabamians Captain Joseph Peterson, age 32 years, and Captain Willie Mays, also 32, along with their teammates Captain Mark E. Melacon, 31, and team commander, Major Norman L. Lowry, III, age 37 years; and

WHEREAS, Captain "Pete" Peterson of Tuskegee and the team's first Black pilot had formerly served as team narrator and had been assigned as right wingman for the upcoming Spring schedule of demonstrations by the famous Air Force Thunderbirds; and

WHEREAS, Captain Mays, a former resident of Gadsden and now of Ripley, Tennessee, also had served as narrator and was flying

the number two right wing position at his death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the deaths of Captain Joseph Peterson, Captain Willie Mays, Captain Mark Melacon and Major Norman Lowry, four of our nation's most courageous pilots, and extend our most heartfelt sympathy to their families to whom copies of this resolution shall be sent.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-20 H.J.R. 54—Rep. Seibels

HOUSE JOINT RESOLUTION

CORDIALLY INVITING THE KOREAN SINGING AMBASSADORS OF SEOUL, SOUTH KOREA, TO APPEAR IN CONCERT BEFORE A JOINT SESSION OF THE ALABAMA LEGISLATURE, AND CALLING FOR SAID JOINT SESSION TO BE HELD ON JANUARY 26, 1982.

WHEREAS, The Korean Singing Ambassadors of Seoul, South Korea, are a group of ten very lovely and talented young ladies, 17 and 18 years of age; and

WHEREAS, the group currently is on tour in our country, appearing in several of the various states and are principally escorted by the very notable Korean Evangelist, Dr. Billy Kim; and

WHEREAS, The Korean Singing Ambassadors were invited to include the State of Alabama on their tour by Governor and Mrs. Fob James who were privileged to enjoy a performance by the group during their recent visit to the Far East, and they will be guests of Governor and Mrs. James during their visit to our State; and

WHEREAS, the Alabama Legislature would be privileged to also enjoy a concert by the gifted young singers from the capital city of South Korea while they are serving as true ambassadors to our capital city of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby cordially invite The Korean Singing Ambassadors to appear in concert before a joint session of the Legislature and, in hopeful anticipation of an acceptance, we further call for said session to be held on January 26, 1982, at a time to be set by the Legislature.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-21 H.J.R. 55—Reps. McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE UNION LEADERSHIP AND THE MEMBERS OF THE UNITED AUTOMOBILE WORKERS.

WHEREAS, our nation's industrial production, now at severely depressed levels, has resulted in record unemployment throughout the United States; and

WHEREAS, America's automobile industry, most particularly, has suffered major economic losses, resulting in an unfavorable cli-

mate for related industries in all sections of the country; and

WHEREAS, in negotiation with industry management, the leadership and members of United Automobile Workers have made major concessions in members' benefits which should enable the major automobile companies to offer their products at substantially lower prices to the American public; and

WHEREAS, the anticipated increase in sales, made possible by the United Automobile Workers' membership has considerably brightened the forecast for increased industrial production, a lower unemployment rate nationwide and a hopefully rapid return to a healthy economy for the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the leadership and the members of the United Automobile Workers Union for their cooperative efforts and contributions to a stable U. S. economy.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the United Automobile Workers Union in token of this body's sincere gratitude and utmost praise.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-22 H.J.R. 57—Reps. Buskey, Clark (W), Kennedy, Turner, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley,

Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

HONORING MR. HENRY "HANK" AARON UPON HIS INCLUSION IN THE BASEBALL HALL OF FAME.

WHEREAS, Mr. Henry "Hank" Aaron is a native Alabamian who was born in Mobile where his parents, Mr. and Mrs. Hubert Aaron, still reside; and

WHEREAS, Hank Aaron began playing organized baseball with the Indianapolis Clowns of the Negro American League, to ultimately enjoy an outstanding career of some 23 years which both began and ended in Milwaukee, Wisconsin; and

WHEREAS, with a record 755 career home runs, Hank Aaron also batted in 2,297 runs with 3,771 hits and a .305 lifetime batting average; and

WHEREAS, eight times in his career, Hank Aaron hit 40 or more homers, hitting 30 or more during 15 spectacular seasons; and

WHEREAS, known as Hammerin' Hank, Alabama's own Baseball King reached the zenith of his career in 1974 when he broke Babe Ruth's career mark of 714 home runs; and

WHEREAS, it is further to be noted that Hank Aaron's selection to the prestigious Baseball Hall of Fame was made on the first ballot, a signal honor indeed and an accomplishment to be highly praised; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Mr. Henry "Hank" Aaron and direct that he and his four children receive a copy of this resolution and that a copy also be sent to his parents, Hubert and Esteller Aaron of Mobile, that they may know of our sincere praise and warm personal regard.

Approved February 2, 1982

Time: 5:30 P.M.

Act No. 82-23 H.J.R. 62—Waggoner, McCorquodale, Adams (H), Amari, Bennett, Boles, Cabaniss, Carter, Cheatwood, Clark (G), Cooley, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Lewis, Manley, Moore, Naramore, Nevett, Olive, Payne, Rains, Sasser, Seibels, Shoemaker, Smith (J), Trammell, Ward, Willis, Holmes, Reed.

HOUSE JOINT RESOLUTION

HONORING MR. THOMAS WAYNE GLOOR, PROMINENT ALABAMIAN, DISTINGUISHED PUBLIC SERVANT AND PATRIOT.

WHEREAS, Mr. Thomas Wayne Gloor, though a native of Illinois, has been a permanent resident of Alabama and of Bessemer since 1949, where he was engaged in business for the next two decades, selling his automotive dealership in 1969, to devote more time to public service; and

WHEREAS, Mr. Gloor, elected to the Alabama Legislature in 1966, was voted "Outstanding Freshman Legislator" by the Capital Press Corps and, in 1971, "Most Effective Representative" by the Capital Press Club; he was serving as chairman of the Jefferson County delegation and Speaker Pro Tem of the House when he was elected to the Jefferson County Commission in September 1972, to be later elected President of the Commission in which capacity he served from 1975 until his recent January 15 retirement to return to private enterprise; and

WHEREAS, during Mr. Gloor's years with the Commission, he lived up to his promise to put sound business judgment and principles into politics and government to better serve the people, and numbers of his new ideas and innovative programs were put into effect with positive and long-lasting results; and

WHEREAS, in addition to his weighty responsibilities as Commission President, Mr. Gloor also has assumed a role of responsibility in civic affairs, serving his community through membership and in

leadership capacity in such organizations as the Rotary Club, Bessemer Boosters' Club, Little League, Bessemer Memorial Hospital, United Appeal and other charity fund drives, the American Red Cross and Salvation Army, as well as business and financial organizations and the Chamber of Commerce; and

WHEREAS, as a former owner and president of Birmingham International Raceway, Mr. Gloor also was instrumental in building auto racing into its present place of sports prominence in Alabama; and

WHEREAS, Mr. Gloor, who is a member of Saint Aloysius Catholic Church, is also a veteran of World War II who flew 68 combat missions as a fighter pilot; he was promoted to Captain at age 21 and received two Distinguished Flying Crosses, 12 Air Medals, the Purple Heart, two Presidential Unit Citations, Croix de Guerre, Belgian Order of Leopold and the European Theatre Ribbon with four major campaign stars; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Thomas W. Gloor of Bessemer, Alabama, and express our deepest sincere gratitude for his exemplary public service to the citizens of Jefferson County and the State of Alabama.

BE IT FURTHER RESOLVED, That Mr. Gloor receive a copy of this resolution, tendered in highest regard and in token of our esteem.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-24 H.J.R. 65—Reps. Harper (O), Bedsole, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley,

Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. THOMAS DAMERON RUSSELL, PROMINENT ALABAMA INDUSTRIALIST AND PHILANTHROPIST.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature notes the death of Mr. Thomas Dameron Russell of Alexander City, Alabama, on January 18, 1982, at the age of 78 years; and

WHEREAS, a former Purchasing Agent and Vice President, President from 1945 to 1968 and, at the time of his death, Chairman of the Board of Russell Corporation, Mr. Russell was held in highest regard within the textile industry of our nation which he served in leadership on local, state and national levels; and

WHEREAS, Mr. Russell, who was a graduate of the University of Alabama, had also traveled extensively and worldwide; he was a learned man whose interests were manyfold and as varied as his philanthropic works which included the provision of numerous college scholarships to his area's youth, funded through the Benjamin and Roberta Russell Foundation, substantial contributions to our state's institutions of higher learning, as well as financial and promotional support of the University of Alabama's Medical Center in Birmingham; and

WHEREAS, Mr. Russell's useful life always was one of concern for others, manifested in deeds of generosity to those less fortunate than he; his gifts were generous and quietly bestowed in keeping with his profound humility and unpretentious manner; and

WHEREAS, he was a Life Trustee of both Samford University and the University of Alabama, an Honorary Trustee of Tuskegee Institute and of the Carver Foundation and a Trustee of the Alabama Association of Independent Colleges, as well; and

WHEREAS, a retired Chairman of the Board of the First National Bank of Alexander City, Mr. Russell was also a past Director of the First National Bank of Montgomery and First Alabama Bancshares; he was three times President of the Alabama State Chamber of Commerce and was a Director, at his death, of this organization of which his father was a founder and first President; and

WHEREAS, his accolades, though unsought, were legion and included awards and honors for his service to humanity in general, for his support of research and education and for his leadership in business areas; he held an Honorary Degree of Doctor of Laws from the University of Alabama, was a member of the Alabama Academy of Honor and the Alabama Business Hall of Fame and with the election of Julia Walker Russell to the Academy of Honor in 1975, was distinguished with his wife as the first husband and wife to be so honored; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death and are bereft in the loss of Mr. Thomas Dameron Russell of Alexander City, Alabama, and extend our deepest, most heartfelt sympathy to his beloved wife of many years, Mrs. Julia Walker Russell, to their daughters, Mrs. Nancy Elizabeth Russell Gwaltney, Mrs. Ann Russell Caceres, and to other family members to whom copies of this resolution shall be sent.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-25 H.J.R. 67—Rep. Dial

HOUSE JOINT RESOLUTION

COMMENDING MR. J. LEWEL SELLERS FOR OUTSTANDING LEADERSHIP IN STATE CONSERVATION EFFORTS.

WHEREAS, the Alabama Legislature notes with high regard the recent honors bestowed upon Mr. J. Lewel Sellers of Millerville, Alabama, for outstanding contributions and accomplishments in the area of soil and water conservation; and

WHEREAS, so recognized by the Clay County Soil and Water

Conservation District, Mr. Sellers was cited for his positive leadership during 25 years of service as District Supervisor during which period he also served as First Vice-President in 1969 and then as President in 1970 of the State Association; and

WHEREAS, his dedicated service began in 1956 as a supervisor with the Piedmont Soil Conservation District; he then became chairman of the Clay County Soil and Water Conservation District in 1960 when division of territory by counties replaced the Piedmont District; and

WHEREAS, Mr. Sellers, during the past 21 years has expended an inordinate amount of work and effort in the treatment of Ketchepedrakee and Crooked Creek Watersheds, which are primarily sponsored by the Clay County District, completing 15 flood control dams and 5 miles of channel improvements; and

WHEREAS, Mr. Sellers is indeed deserving of his recent high honors and of the gratitude expressed through presentation by the members of the District board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. J. Lewel Sellers of Millerville, Alabama, and direct that he receive a copy of this resolution evidencing our warm sincere praise and utmost regard.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-26 H.J.R. 71—Reps. Bedsole, Kennedy, Stewart, Buskey, Clark (W), Harper (T), Turner, Parker, Sandusky, McMillan, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holley,

Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McCorquodale, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. MATHILDA HOGAN STEPHENS OF GULFPORT, MISSISSIPPI.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Mrs. Mathilda Hogan Stephens of Gulfport, Mississippi, on January 14, 1982, at the age of 81 years; and

WHEREAS, the widow of the late Mr. James Marshall Stephens, she also was the mother of our friend and colleague, Representative Mary Zoghby, and of a second daughter, Miss Patricia Ann Stephens; and

WHEREAS, though a native of New Orleans, Mrs. Stephens had been a resident of Gulfport for some 40 years and, a Roman Catholic, was a devout and active member of Saint John the Evangelist in Gulfport; and

WHEREAS, hers was a long life, made happy through deeds and through active participation for many years in numerous civic and community affairs, most particularly in later years through her involvement with the Gulfport Senior Citizens Organization; and

WHEREAS, also, in common bond with her husband's activities as a veteran of World War I, Mrs. Stephens was a longtime member and former officer of the Joe Graham American Legion Post 119 Auxiliary; and

WHEREAS, thus, even as we grieve, we also give thanks for Mrs. Stephens' full and useful life, a life of devotion to her family and of care and concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Mathilda Hogan Stephens of Gulfport, Mississippi, and extend our most heartfelt sympathy to her daughters for whom copies of this resolution shall be provided.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-27 H.J.R. 74—Reps. Stout, Rains

HOUSE JOINT RESOLUTION

COMMENDING MISS JAMIE HENDRIX UPON BEING CHOSEN ALABAMA JUNIOR MISS OF 1982

WHEREAS, it is with deep pride and pleasure that the Alabama Legislature has noted that Miss Jamie Hendrix of Rainsville in DeKalb County has been named Alabama Junior Miss of 1982; and

WHEREAS, she has exemplified her parents, Mr. and Mrs. J. L. Hendrix and sisters, Karen McGee and Melanie Wilks; her school, Plainview High School; her county and state in this achievement; and

WHEREAS, Miss Hendrix has received many awards including Agri-Business Scholastic Award, State Best Supporting Actress 1980, Senior Who's Who, DeKalb County Ideal Miss; Miss Plainview and All-State Cheerleader 1979-80; and

WHEREAS, she has illustrated her willingness to contribute to the enrichment of her fellowman and to the improvement to her community and state through her active membership in various groups such as the Thespian Club, Devotional Club, Fellowship of Christian Athletes, Student Council and Robertson Chapel Methodist Church; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and congratulate Miss Jamie Hendrix for being chosen Alabama Junior Miss 1982.

BE IT FURTHER RESOLVED, That Jamie receive a copy of this resolution that she may know of our praise and esteem; with copies also provided to her parents and her sisters.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-28 H. 113—Rep. Pegues

AN ACT

Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; providing a penalty for willfully making a false statement in connection with re-identification; and repealing Act No. 81-226, H. 663, 1981 Regular Session, (Acts 1981, p. 302).

Be It Enacted by the Legislature of Alabama:

Section 1. In Perry County, the board of registrars is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Perry County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to re-identify himself, in the manner prescribed herein, before the fourth day of July 1982. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he re-identify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the fourth day of July 1982, the board of registrars of Perry County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until four o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and re-identify themselves. Additionally, between the months of November 1981 and August 1982, the board shall visit the county's beats as follows:

a. Beat 3: One day each week, between the hours of noon and 8 p.m.; one Saturday each month, including Saturday, July 3, 1982, and Saturday, August 28, 1982, between the hours of 8 a.m. and 4 p.m.;

b. Beat 1, boxes 11-12; beat 7: one weekday between the hours of noon and 8 p.m. or Saturday between the hours of 8 a.m. and 4 p.m. each month (including at least two Saturdays);

c. Beats 2, 6, and 13: one weekday between the hours of noon and 8 p.m. or Saturday between the hours of 8 a.m. and 4 p.m. every six weeks (including at least one Saturday);

d. Beats 8, 9, 11, and 12: one weekday between the hours of noon and 8 p.m. or Saturday between the hours of 8 a.m. and 4 p.m. every two months (including at least one Saturday);

e. Beat 10: one weekday between the hours of 4 p.m. and 8 p.m. or Saturday between the hours of 8 a.m. and noon every two months (including at least one Saturday).

The board shall give at least ten days notice by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and re-identify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30-day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary to enable the qualified electors of the county to appear and re-identify themselves in the manner prescribed herein. Any voter shall appear and re-identify himself at any place in any beat in the county or in the courthouse of the county.

Section 4. Voters may re-identify at the courthouse on any day, Monday through Friday (excepting holidays), between the hours of 8 a.m. and 4 p.m., from November 9, 1981 through August 28, 1982. In addition, re-identification will be possible at the courthouse one evening each week between the hours of 4 p.m. and 8 p.m. and on one Saturday each month between the hours of 8 a.m. and 4 p.m., including Saturday, July 3, 1982, and Saturday, August 28, 1982.

Section 5. To assist the members of the board of registrars in the re-identification of voters it is the intention of the county that the board will appoint such deputy registrars as are needed to enable all voters who apply to be processed without delay. Such deputy registrars will be appointed without regard to race.

Section 6. Each member of the board of registrars shall receive thirty dollars per day, for each day, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be

unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 7. The voter may re-identify himself by appearing in person before the board of registrars in any beat in the county, or before the board of registrars in regular session, following procedures analogous to those provided in Sections 17-4-122 through 17-4-124, Code of Alabama 1975, and submitting any reasonable proof as the board may accept in order to establish the voter's identity, place of legal residence, and the fact that voter has not become disqualified from voting in the county.

Section 8. The board of registrars shall meet on the fifth day of July 1982 for the purpose of purging the registration lists and the names of all persons who have failed to appear and re-identify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any persons, or the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Perry County, Alabama, during the period of time from the effective date thereof to July 4, 1982.

Section 9. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and re-identify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, following such procedures analogous to those provided in Sections 17-4-122 through 17-4-124, Code of Alabama 1975, and submitting any reasonable proof as the board may accept to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have re-identified himself by or on the date of the election at which he offers to vote and on such election day the office of the board of registrars in the county courthouse will be open during the hours of voting; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be outside of Perry County, Alabama, during

the period of time from the effective date hereof to July 4, 1982. Said residents, or residents temporarily out of the county, shall be permitted to reidentify on the same terms under the provisions of Section 17-4-134, Code of Alabama 1975.

Section 10. The board of registrars will visit any nursing home located in the county to enable registered voters present at such homes to reidentify themselves and that other registered voters who are so disabled that they are unable to travel by automobile may write or telephone the board and request that they be reidentified at their place of residence.

Section 11. The county commission of Perry County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the re-identification of voters as herein provided. The board of registrars shall publish the names of persons purged from the list of registered voters for failure to reidentify in newspapers of general circulation in the county. Additionally, the board of registrars shall, notify, through the use of newspapers, the radio, posters, and flyers, voters listed pursuant to Sections 6 and 7 of the Voting Rights Act of 1965 of their need to reidentify themselves. The names of such persons who fail to reidentify will only be removed from the registration list pursuant to 45 C.F.R. 801.402(c), and that the basis for such removal will be that the person is deceased or no longer a resident, and not the failure of the person to reidentify. The board of registrars shall also have the responsibility to publicize extensively the county's program of reidentification through the use of the county's newspapers and radio station and through the use of posters and flyers.

Section 12. The questionnaire to re-identify a voter shall be in substantially the following form:

PERRY COUNTY, ALABAMA

Date_____, 19_____

Name_____

First Middle Last

Legal Residence Address:

Street_____

City or Town_____ State_____

Date of Birth_____ Sex_____

S.S. No._____ Other I.D._____

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No._____, _____ County, and I have not been disqualified from voting in this county, I am not a qualified voter in any other county in the State of Alabama, or in any other state in the United States.

Signed_____

Signature of Voter

Sworn to and subscribed before me this_____ day of _____, 19_____.

Registrar

Section 13. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in re-identifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 14. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this act are repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-29 H.J.R. 11—Rep. Starkey

HOUSE JOINT RESOLUTION

COMMENDING THE GREATER SAINT PAUL A.M.E. CHURCH OF FLORENCE, ALABAMA, AND ITS PASTOR, THE REVEREND PERCY W. JONES.

WHEREAS, the historically prominent greater Saint Paul A.M.E. Church of Florence, Alabama, has been traditionally involved for more than a century in service to the community in addition to its role as a spiritual sanctuary for the children of God; and

WHEREAS, as one of the oldest churches in Northwest Alabama, Saint Paul was organized in 1879 principally through the work and efforts of the Reverend Mansfield E. Bryant, and of William Wise Handy, grandfather of W. C. Handy who worshipped at Saint Paul's as a youth and who received his early musical education as a member of the choir; and

WHEREAS, now in its third and present location since 1967, the magnificent Greater Saint Paul A.M.E. Church, built to the

Glory of God, continues to spiritually open wide its doors, offering its welcome to all who are in need; and

WHEREAS, the Reverend Percy W. Jones, present pastor at Saint Paul's, has expanded the Church's community involvement to include, among other projects, sponsorship of the Child Development Program, in cooperation with the United States Department of Agriculture, for more than 500 participants in Florence; and

WHEREAS, in operation year round, the program not only provides social and learning experiences for its day care participants but also conducts a summer food program which provides nutritious lunches to some 400 children each day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the Reverend Percy W. Jones and his congregation on the true value of their works which is made manifest in the accomplishments of the Greater Saint Paul A.M.E. Church of Florence, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Jones with a copy also provided for appropriate Church display.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-30 H.J.R. 25—Reps. Dixon, Venable, McKee

HOUSE JOINT RESOLUTION

COMMENDING "SOUTHWIND" DRUM AND BUGLE CORPS" IN THEIR SECOND YEAR OF OPERATION

WHEREAS, Southwind Drum and Bugle Corps was chartered for membership on October 21, 1980 with a total membership of 110 participating "Marching" members; and

WHEREAS, Southwind, in their first year of operation traveled a total of 7,000 miles representing the State of Alabama in numerous states; and

WHEREAS, Southwind appeared on national television at the exibition game between the Philadelphia Eagles and the Pittsburgh Steelers; and

WHEREAS, Southwind placed 5th in competition at the VFW

National Drum and Bugle Corps Competition, placed 5th in the "Dixie" Competition in Montgomery and placed 39th in International Competition competing against 50 other corps that had been in operation for 25-30 years; and,

WHEREAS, Southwind marched in the world's largest Fourth of July Parade in Atlanta; and

WHEREAS, Southwind Drum and Bugle Corps is at this point operated solely on fund raising efforts by the corps and individuals contributions;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING THAT,

Southwind Drum and Bugle Corps be highly commended for the great job that they have done representing the State of Alabama and because of their effort on our part be named "The Official Drum and Bugle Corps" for the State of Alabama. And a copy of this resolution shall be sent to Mr. Bill Ward, President of the Board and Mr. Dave Bryan, Director so that they may know of our deep appreciation of their efforts and talents.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-31 H.J.R. 28—Rep. Holmes

HOUSE JOINT RESOLUTION

COMMENDING MR. SAVAGE J. WHISENHUNT, SR., RETIRED ALABAMA EDUCATOR.

WHEREAS, a native of Monroe County, Alabama, Mr. Savage J. Whisenhunt, Sr., has been a resident of Montgomery since 1967 and is a former educator of outstanding prominence; and

WHEREAS, Mr. Whisenhunt attended public schools in Monroe County and received his high school education at Tuggle Institute in Birmingham; he is a graduate of Alabama State University with a B.S. Degree, of Ohio State University with a Master's Degree and of George Peabody College for Teachers as an Education Specialist and with additional post graduate study at that institution and at Columbia University and Tuskegee Institute as well; and

WHEREAS, during Mr. Whisenhunt's outstanding professional career, he served variously as Principal, Teacher and Supervisor in

the public schools of Monroe County, Atmore and Anniston, and, from 1967 until his retirement in 1973, as Assistant Professor and Director of Student Teaching at Alabama State University in Montgomery; and

WHEREAS, his professional, civic and community affiliations through the years have been numerous, and include current membership on the Montgomery County Schools' Biracial Committee, Omega Psi Phi and Sigma Pi Phi Fraternities and ASU's Chapter of Phi Delta Kappa International which he serves as president; he is a past president of the Alabama State Teachers, Alabama High School Principals and Alabama Athletic Associations and was NEA Director for Alabama from 1964 until 1973, in addition to membership in and as an officer of a number of other prestigious boards, committees and associations; and

WHEREAS, indicative of Mr. Whisenhunt's professional prominence is his listing in Outstanding Educators of America which is merely one of some dozen or more honors which have been bestowed on this eminent Alabama educator; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Savage J. Whisenhunt, Sr., on his extraordinary career in education and direct that he receive a copy of this resolution in token of our gratitude and esteem.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-32 H.J.R. 63—Reps. Holmes, Dixon, Wyatt

HOUSE JOINT RESOLUTION

COMMENDING AND EXPRESSING APPRECIATION TO THE MONTGOMERY POLICE DEPARTMENT AND CITY WORK CREWS FOR THEIR EFFORTS DURING THE RECENT SNOW, ICE STORM AND SUB-FREEZING WEATHER.

WHEREAS, the Alabama Legislature notes with deep appreciation the outstanding work performed by the Montgomery Police Department and city work crews during the recent periods of heavy snow, ice and sub-freezing temperatures; and

WHEREAS, these departments, performing diligently and under the utmost extreme weather conditions, managed to keep the streets and roads clear and to help those motorists who became stranded; and

WHEREAS, we further feel that we reflect the sentiments of all citizens of Montgomery in acknowledging a debt of gratitude to these outstanding public servants; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Montgomery Police Department and city work crews for their hard work and dedication to duty during the recent adversities caused by the most extreme weather conditions of this century.

BE IT RESOLVED FURTHER, That copies of this resolution be sent to the Montgomery Police Department and to the Department of Street Maintenance in token of our deep appreciation for their services.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-33 H. 171—Reps. Holley, Daniels, Ray

AN ACT

To amend Section 11-14-10 of the Code of Alabama 1975, relating to the erection of certain county buildings, so as to remove the requirement that a jail must be erected in more than one place in counties meeting certain requirements; to permit said counties to erect a jail on any property owned by the county within the county unless provided otherwise by subsequent local law; and to provide that each county shall be required to maintain a jail.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-14-10, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-14-10. The county commission shall erect courthouses, jails and hospitals and other necessary county buildings, and such county commission shall have authority to levy a special tax for that purpose. Each county within the state shall be required to maintain a jail within their county.

"In counties in which a circuit court has been or is hereafter authorized to be held in more than one place, the county commission may build courthouses in each place of holding court, and, in all counties wherein a circuit court is authorized to be held or may hereafter be authorized to be held in more than one place for six months or more during any year, the county commission shall erect a courthouse at each of such places where such court is held, such courthouses to be adequate and commodious for the business of such

court and county at such place. In said counties wherein a circuit court is authorized to be held or may hereafter be authorized to be held in more than one place for six months or more during any year, the county commission may erect and/or maintain a jail upon any property owned by the county located within the county. The legislature, by local act passed subsequent to the effective date of this act, may provide for the location of such jail. This section shall not affect in anywise any local law heretofore enacted that is not in conflict herewith."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-34 H.J.R. 68—Rep. Biddle

HOUSE JOINT RESOLUTION

COMMENDING THE GARDENDALE HIGH SCHOOL ROCKETS, 1981 REGION 6, CLASS 4A, FOOTBALL CHAMPIONS.

WHEREAS, Gardendale High School's Football Team, under Head Coach Ed Bruce, has compiled an outstanding record, participating in the State Play-offs four out of the last five years; and

WHEREAS, this past year, the Gardendale High School Rockets finished in the quarter finals in the State 4A Play-offs with a record of 10-2 for the season, including four shut-outs, and with 357 points scored to their opponents' 83; and

WHEREAS, credit for the spectacular '81 season, which ended with the Region 6, Class 4A Championship for the Rockets, goes to each and every member of the team, all of whom performed brilliantly on the field all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach Herbert Edwin "Ed" Bruce, Jr., and his Gardendale High School Champions.

BE IT FURTHER RESOLVED, That the Rockets receive a copy of this resolution, presented to Coach Bruce on the team's behalf, with a copy also provided for appropriate school display.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-35 H.J.R. 69—Rep. Biddle

HOUSE JOINT RESOLUTION

COMMENDING COACH HERBERT EDWIN BRUCE, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, in its desire to recognize individuals of exceptional achievement in their chosen field of endeavor, the Alabama Legislature today notes with utmost commendation the outstanding career of Coach Herbert Edwin "Ed" Bruce, Jr., of Jefferson County's Gardendale High School; and

WHEREAS, Coach Bruce, who as a quarterback on his Hewitt-Trussville High School varsity squad was named All-county, also enjoyed an outstanding collegiate career as quarterback and defensive back at the University of Chattanooga and at Maryland College where he was named "All Conference Player"; and

WHEREAS, a high school football coach for the past 18 years, Coach Bruce was named the Birmingham News "Coach of the Year" in 1971, while at Phillips High School, and was again honored in 1979 as "Coach of the Year" by the University of Tennessee Alumni Club; and

WHEREAS, Coach Ed Bruce, now in his seventh year at Gardendale High School, has continued to excel as a coach, as throughout his career, launching the "Rockets" to the State Play-offs four out of the last five years and to a 10-2 record this past season and the Region 6 4A Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Herbert Edwin Bruce, Jr., of Gardendale High School on his outstanding career and direct that a copy of this resolution be provided for Coach Bruce, his wife, Charlotte, and their daughter, Rebecca Kay; for his parents, Mr. and Mrs. Herbert E. Bruce, and for Gardendale High School for appropriate display.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-36 H.J.R. 70—Rep. Biddle

HOUSE JOINT RESOLUTION

COMMENDING JEFF PARKS OF GARDENDALE HIGH SCHOOL FOR OUTSTANDING ATHLETIC AND SCHOLASTIC ACHIEVEMENT.

WHEREAS, Jeff Parks, varsity tight end on the Gardendale High School football team, has been named "Player of the Year" by the Gardendale and Fultondale Kiwanis Club; and

WHEREAS, On January 25, 1982, Jeff also was honored by the Birmingham Touchdown Club as "Lineman of the Year"; and

WHEREAS, during Jeff Parks' senior year at Gardendale High, he not only made "All County" and "All State," but was included as well on the "Prep All American Team" of the National High School Athletic Coaches Association; and

WHEREAS, although Jeff is to be congratulated as one of the most heavily recruited athletes in the South, he also is to be commended for outstanding academic achievement; he is an excellent student, rating in the top 20% of his graduating class with a 2.96 gradepoint average; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Jeff Parks of Gardendale, Alabama, for outstanding athletic and scholastic achievement.

BE IT FURTHER RESOLVED, That Jeff receive a copy of this resolution that he may know of our high regard, with copies also provided for his parents, Cecil and Joyce Parks, and for appropriate display at Gardendale High School.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-37 H.J.R. 84—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Tuesday, February 2, 1982, we adjourn to meet again on Thursday, February 4; when we adjourn on Thursday, February 4, we adjourn to meet again on Tuesday, February 9, 1982.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-38 H. 264—Rep. Warren

AN ACT

Relating to Conecuh County; to provide for an additional clerk hire allowance for the tax assessor and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other compensation, salary and allowances heretofore provided by law, the tax assessor of Conecuh County shall receive an additional clerk hire allowance of $700.00 per month. Said allowance shall be paid from the general fund of the county and shall be paid in the same manner as other allowances heretofore provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall have retroactive effect to January 1, 1982, and all actions taken and payment made pursuant thereto on and after that date are ratified and confirmed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-39 H.J.R. 32—Reps. Ford, Drinkard

HOUSE JOINT RESOLUTION

URGING THE RETIREMENT SYSTEMS OF ALABAMA TO IMPLEMENT A PLAN OF TAX DEFERMENT OF MEMBERS' CONTRIBUTIONS.

WHEREAS, the Teachers' Retirement System Board of Control has authorized a plan proposed by the University of Alabama to "pick up" employee contributions to the Teachers' Retirement System; and

WHEREAS, the effect of this plan is to taxshelter member contributions to the Retirement System; and

WHEREAS, the University has requested a ruling from the Internal Revenue Service stating that retirement contributions

"picked up" by the University will not be included in gross income for federal income tax purposes and anticipates a favorable ruling from the I.R.S.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature urges the Retirement Systems of Alabama to move with all due speed to follow the example of the University of Alabama and the Teachers' Retirement System and "pick up" member contributions.

BE IT FURTHER RESOLVED, That we ask the Retirement Systems of Alabama to obtain an I.R.S. ruling on the subject and take any other steps necessary to implement the aforementioned plan.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-40 H.J.R. 64—Rep. Holmes

HOUSE JOINT RESOLUTION

ENCOURAGING ALABAMIANS TO SUPPORT THE ECONOMIC DEVELOPMENT OF OUR STATE AND NATION THROUGH THEIR PURCHASE OF AMERICAN-MADE AUTOMOBILES.

WHEREAS, the economic well-being of our state and nation is directly affected by the purchase and use of domestically manufactured motor vehicles; and

WHEREAS, the automobile industry has suffered immeasurably recently due to the sales of foreign cars in this country; and

WHEREAS, the State of Alabama is intricately involved in the aforementioned industry through the related areas of steel and rubber manufacturing; and

WHEREAS, when our domestic manufacturers are forced to close their plants due to foreign competition, a resulting increase in unemployment detrimentally affects the economy of the entire state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby urges all citizens in the state to support the economy of Alabama and the nation through their purchase of American-made automobiles and related domestic products.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-41 H.J.R. 66—Rep. Johnson (R. G.)

HOUSE JOINT RESOLUTION

EXTENDING THE REPORTING DATE FOR THE CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee is hereby extended to the Twentieth Legislative Day.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-42 H.J.R. 75—Rep. McKee

HOUSE JOINT RESOLUTION

COMMENDING MR. MUREAL REED CRUMP, RECIPIENT OF THE UNITED STATES JAYCEES DISTINGUISHED SERVICE AWARD.

WHEREAS, the Alabama Legislature, in concurring sentiment, notes the recent selection of Mr. Mureal Reed Crump of Montgomery, Alabama, as the recipient of the United States Jaycees Distinguished Service Award by the Montgomery Jaycees; and

WHEREAS, a resident of Montgomery since 1922, Mr. Crump is a graduate of Saint Mary's of Loretta School and holds a Teacher's Certificate awarded by David Lipscomb College; he is a United States Navy veteran with three years active service during World War II, and is an employee of Alabama National Bank, since 1936, now serving as Vice President in charge of public relations and governmental accounts; and

WHEREAS, Mr. Crump, who is a member and Sunday School teacher at Highland Church of Christ, has been involved in service to the Boy Scouts of America for some 55 years; he attained the rank

of Eagle Scout as an active Scout in 1930 and has since received the Scout's Award of Merit for outstanding service to youth as well as the prestigious Silver Beaver Award; and

WHEREAS, in civic and charitable endeavors, Mr. Crump is a past or present member of the East Montgomery Exchange Club, the Montgomery Lions Club, Alabama Sight Conservation Association, Arthritis Foundation, American Heart Association, the American Legion, Downtown Unlimited, the Montgomery and Alabama Chambers of Commerce among others; he also served these organizations in numerous capacities including office, board membership and committee chairmanship; and

WHEREAS, professionally he has been active in the Alabama Bankers Association and the National Association as well as the Bank Administration Institute and as a member of the State Banking Board in 1975; and

WHEREAS, Mr. Crump's concern for others is further made evident through his involvement in a number of other activities on all levels and in such areas as Little League Baseball, education, public health and safety, law enforcement and parks and recreation; and

WHEREAS, the recent United States Jaycees Distinguished Service Award and many previous honors are indicative of the high regard in which Mr. Crump is held by those whom he has served for many, many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Mureal Reed Crump of Montgomery, Alabama; we further direct that he receive a copy of this resolution, tendered in warm praise and in gratitude for his notable contributions to his community, state and nation.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-43 H.J.R. 88—Reps. Blake, Rains

HOUSE JOINT RESOLUTION

COMMENDING MR. JIM KACKER FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF TWO YOUNG BOYS.

WHEREAS, on January 11, 1982, Mr. Jim Kacker and a companion, both employees of the Alabama Power Company, were travel-

ing on I-20 enroute to Atlanta on temporary assignment to APC's Southern Company Data Center; and

WHEREAS, fortunately for young Rodney and Brian Cushing of Saint Clair County, Mr. Kacker and his friend saw the two boys, ages 9 and 12, struggling in the frigid waters of an ice encrusted pond; young Rodney had fallen through the ice and his older brother, Brian, had jumped into attempt a rescue; and

WHEREAS, immediately exiting the interstate and driving to the scene, Mr. Kacker, with his companion's assistance, saved the lives of the two youngsters though he, himself, also was in imminent danger of drowning or from exposure in the icy waters; and

WHEREAS, as a result of Mr. Kacker's courage and valor the lives of two young boys were saved and they have since completely recovered following emergency medical treatment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Jim Kacker for outstanding courage and for his unselfish willingness to sacrifice his own life for another.

BE IT FURTHER RESOLVED, That Mr. Kacker receive a copy of this resolution, in token of our sincere commendation and in admiration for his enviable courage.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-44 S.J.R. 4—Mr. Gulledge

SENATE JOINT RESOLUTION

COMMENDING MR. ED TUNNELL OF BAY MINETTE, ALABAMA, ASSOCIATE COUNTY AGENT FOR BALDWIN COUNTY.

WHEREAS, it is with utmost commendation that the Alabama Legislature notes the recent Award for Excellence bestowed upon Mr. Ed Tunnell of Bay Minette by the Auburn University Alumni Association; and

WHEREAS, this prestigious award is one of four annual presentations of the association in recognition of outstanding achievement by staff members of the Alabama Cooperative Extension Service, with just one award given in each of the four major areas of involvement of ACES; and

WHEREAS, Mr. Tunnell, formerly of Millport, Alabama, and associated with the Extension Service in Baldwin County since 1973, was chosen for his work with youth in the Service's 4-H program and the profound positive impact he has had upon those under his leadership and guidance; and

WHEREAS, a major accomplishment during his tenure with ACES in Baldwin County, has been Mr. Tunnell's development of a comprehensive and balanced program utilizing a variety of teaching methods to motivate and involve young 4-H participants in the area; and

WHEREAS, in addition to directing one of the largest of 4-H Horse Clubs in the district, Mr. Tunnell has organized a Marine Science 4-H Club and has had numerous district and state project winners, as well as a number of delegates to the National 4-H Congress in Chicago; he also had the state championship Judging Team in 1981; and

WHEREAS, professionally, Mr. Tunnell serves as director of the Alabama 4-H Agents Association and is a member of the Baldwin County Cattlemens Association, the County Swine Association, a number of civic and community organizations, and the First Baptist Church of Bay Minette which he serves as deacon; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Ed Tunnell of Bay Minette, Alabama, for outstanding service with the Alabama Cooperative Extension Service; we further congratulate him on his recent Award for Excellence and direct that he receive a copy of this resolution in token of our sincere warm praise and high regard.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-45 S.J.R. 5—Mr. Gulledge

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. DENNIS B. HOWELL, JR., OF BAY MINETTE, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama notes the untimely death of Mr. Dennis B. Howell, Jr., of Bay Minette, Alabama, on December 14, 1981, at the early age of 59 years; and

WHEREAS, at the time of his death, Mr. Howell was serving as Baldwin County Tax Collector, an elective position he had held for the past 20 years following ten years of prior service as an employee of the tax collector's office; and

WHEREAS, Mr. Howell, who was a native of Bay Minette and a United States Army veteran of World War II, was a graduate of Baldwin County High School and had attended the University of Alabama; he was a member of and active in the affairs of the State Association of Tax Collectors, a member and deacon of the First Baptist Church, a member of the Bay Minette Masonic Lodge Number 498 and of Abba Temple in Mobile; and

WHEREAS, the regrettable death of Mr. Dennis Howell has indeed left a deep void in the community and in the lives of his family and many, many friends; he was a dedicated public servant whose life reflected his care and concern for others, his generosity, and his love for those he helped as he unselfishly gave of his time and many talents; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Dennis B. Howell, Jr., and express our most heartfelt sympathy to his wife, Mrs. Martha Blackmon Howell; to their children, Martha Sue, Donna Eloise and Dennis B. Howell, III; and to other family members to whom a copy of this resolution shall be sent.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-46 S.J.R. 7—Messrs. Goodwin and Taylor

SENATE JOINT RESOLUTION

DESIGNATING THE CITY OF SELMA AS THE BUTTERFLY CAPITAL OF ALABAMA.

WHEREAS, cognizant of the great beauty and of the environmental importance of butterflies, some five area organizations of Selma, Alabama, representing an aggregate membership of more than a thousand individuals, are creating a haven for butterflies in the City of Selma, Dallas County, Alabama; and

WHEREAS, dedicated as to purpose, these organizations have planned and initiated a number of programs, projects and activities

designed to attract large numbers of butterflies to central Alabama; and

WHEREAS, educational efforts are planned, for example, to instruct both young people and adults in the Selma area as to the great importance of the Butterfly as a pollinator and therefore a necessity to environmental balance; and

WHEREAS, other planned projects include suitable plantings during Arbor Week to provide homes for the butterfly larval stage, as well as the planting of flowering shrubs and annuals in season that are attractive to butterflies during the spring and summer months; and

WHEREAS, these and numerous other activities have been planned in a continuing effort to protect and encourage the Butterfly that future generations may share the love and understanding of butterflies that we enjoy today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and support of the efforts toward preservation and proliferation of the Butterfly by many citizens of central Alabama, we hereby name and designate the City of Selma, Dallas County, Alabama, as the Butterfly Capital of Alabama.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-47 S.J.R. 10—Mr. Kirkland

SENATE JOINT RESOLUTION

COMMENDING THE ALABAMA COOPERATIVE EXTENSION SERVICE OF AUBURN UNIVERSITY, ALABAMA RIVER WOODLANDS, INCORPORATED, AND THE MONROE COUNTY COMMISSION.

WHEREAS, the proper use and development of the forest resources of Alabama must be of primary concern to us all if our state and its citizens are to realize the full potential of our forest lands; and

WHEREAS, the quantity and quality of our forest resources, however, are in some areas under-managed and are producing less than full potential, a fact recognized and a problem responsibly responded to by the Alabama Cooperative Extension Service of Auburn University and Alabama River Woodlands, Incorporated; and

WHEREAS, as a direct result of recommendations made by the

Legislative Forestry Study Committee, a new position of Assistant County Agent-Area Forester has been established to serve Monroe, Wilcox, Clarke and Conecuh Counties, headquartered in the City of Monroeville in office space in the Monroe County Courthouse provided by the Monroe County Commission; and

WHEREAS, a substantial grant has been made available for this new position by Alabama River Woodlands to the Alabama Cooperative Extension Service which is to supervise, support and administer the office within its present program; and

WHEREAS, thus, in common goal of progress and through cooperative positive action, ARW, ACES and the Monroe County Commission have made the recommendation of the Legislative Forestry Committee a reality, and a first step has been taken toward full potential forest resource development in this four-county area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and express gratitude to the Alabama Cooperative Extension Service, Alabama River Woodlands and the Monroe County Commission, for whom copies of this resolution shall be provided.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-48 S.J.R. 11—Mr. Kirkland

SENATE JOINT RESOLUTION

COMMENDING THE AMERICAN TREE FARM SYSTEM FOR ITS EFFORTS TO PROMOTE FORESTRY AND PETITIONING THE AMERICAN FOREST INSTITUTE TO HOLD ITS GOLDEN ANNIVERSARY TREE FARM CELEBRATION ON AN ALABAMA TREE FARM IN 1991.

WHEREAS, the American Tree Farm System administered by the American Forest Institute has done much to pioneer modern forestry; and

WHEREAS, in the South the American Tree Farm System began in Alabama; and

WHEREAS, the South has emerged as the leading Tree Farm region of our nation; and

WHEREAS, the Forest Products Industry has become the leading industry in Alabama; and

WHEREAS, Tree Farming has become a way of life for more than 2,000 Alabama Tree Farm owners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend the American Forest Institute for its foresight in promoting the American Tree Farm System and petition the American Forest Institute to hold its Golden Anniversary Tree Farm Celebration on an Alabama Tree Farm in 1991.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Hilton Watson of the Alabama Forestry Association, Bill Moody of the Alabama Forestry Commission, Jim Montgomery of the Southern Forest Institute, and Rich Lewis of the American Tree Farm System, to provide leadership in the planning of this celebration.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-49 S.J.R. 15—Mr. Keener

SENATE JOINT RESOLUTION

COMMENDING COACH DANNY FORD OF CLEMSON UNIVERSITY, NATIONAL U.P.I. AND EASTMAN KODAK "FOOTBALL COACH OF THE YEAR."

WHEREAS, Clemson University's Coach Danny Ford is a native of Gadsden, Alabama, and a graduate of Gadsden High School and of the University of Alabama; and

WHEREAS, a member of his high school's varsity football squad, Mr. Ford also played for the Crimson Tide under Coach Paul Bryant and was a member of the 1969 All-Southeastern Conference Team; and

WHEREAS, following graduation from the University, Danny Ford remained at his alma mater for two years as an assistant to Coach Bryant; he then served for three years as offensive coordinator at Virginia Tech before accepting a position as assistant coach at Clemson University; and

WHEREAS, he was named head coach at Clemson some three years ago and has taken his Tigers to a post-season bowl game every year—to the Gator Bowl with an 8-4 record in 1979, to the Peach Bowl and a 6-5 record in 1980 and to the Orange Bowl, of course, with a final 12-0 record and the National Football Championship for 1981; and

WHEREAS, as a result of his outstanding accomplishment, Coach Danny Ford has been named National Football Coach of the Year for 1981 by U.P.I. and by Eastman Kodak as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Alabama native Danny Ford, the 1981 U.P.I. and Eastman Kodak Football Coach of the Year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Ford that he and his wife, Deborah, and their three young daughters may know of our warm personal pride, our sincere praise and utmost regard.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-50 S.J.R. 16—Messrs. Little and Barron

SENATE JOINT RESOLUTION

HONORING MR. LENNY SKUTNIK AS A MAN OF NOBLE COURAGE AND DEEDS.

WHEREAS, in the aftermath of horror following the January 13 crash of an Air Florida jet in Washington, D. C., Mr. Lenny Skutnik of Lorton, Virginia, responded with uncommon courage to rescue a woman struggling for her life in the icy and treacherous waters of the Potomac; and

WHEREAS, Mr. Skutnik, with no thought of his own safety and in instant response to a life-threatening situation, plunged into the frigid water and pulled the drowning victim to the safety of shore; and

WHEREAS, now an employee of the Congressional Budget Office in Washington, Mr. Skutnik is a former resident of the State of Alabama, having resided in Montgomery during his father's tour of duty as a United States Air Force officer; and

WHEREAS, Mr. Skutnik is indeed deserving of universal praise and gratitude as an example of fearless and unselfish courage and as a hero to a nation which hungers for distinction and valor in a world beset with apathy and unconcern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Mr. Lenny Skutnik of Lorton, Virginia, as a man of rare courage and as a former Alabamian in whom we feel great

personal pride.

BE IT FURTHER RESOLVED, That Mr. Skutnik receive a copy of this resolution, tendered in commendation and praise and in sincere appreciation of his outstanding courage.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-51 S.J.R. 17—Messrs. Little, Callahan, Glass and Figures

SENATE JOINT RESOLUTION

MOURNING THE TRAGIC AND UNTIMELY DEATH OF COLONEL EDWARD R. COBB OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the tragic and untimely death of United States Air Force Colonel Edward R. Cobb of Mobile, Alabama, on January 13, 1982; and

WHEREAS, Colonel Cobb's life was cut short as a result of a national tragedy when an Air Florida jet crashed in Washington, D. C., claiming the lives of 78 persons; and

WHEREAS, Colonel Cobb, who was assigned to McDill Air Force Base, Tampa, Florida, was a 1958 graduate of Auburn University and had served as president of the University's Student Government Association in 1956-57; and

WHEREAS, serving in the Air Force since 1968, Colonel Cobb, at the time of his death, was attached to the Rapid Deployment Joint Task Force and was in charge of communications electronics; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Colonel Edward R. Cobb and extend our most heartfelt sympathy to his family to whom copies of this resolution shall be sent in expression of our deeply shared sorrow in their great loss.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-52 S.J.R. 22—Messrs. Martin, St. John, Bailey, Barron, Britnell, Callahan, Cook,

deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING MRS. ELVA BRINDLEY FRAZIER, PROMINENT DECATUR, ALABAMA, CIVIC AND POLITICAL LEADER

WHEREAS, it is in pleased concurrence that the Alabama Legislature notes the designation of January 30, 1982, as "Elva Brindley Frazier Day," so proclaimed by the City of Decatur, Alabama, and to be observed in appreciation of Mrs. Frazier's contributions to the City and citizens of Decatur and to the entire State of Alabama, as well; and

WHEREAS, in longtime service to her community and fellow citizens, Mrs. Frazier's concern for others has been made manifest both through personal contributions to those in need and through dedicated participation in such civic and charitable affairs as the Chamber of Commerce, United Way, the Alabama Diabetes Campaign and in a number of other worthy causes; and

WHEREAS, she further has provided numerous personal and financial services to the Democratic Party at all levels; she has attended every National Democratic Convention since 1952 and has encouraged the positive development of young people and the Democratic Party through her involvement in and support of the Morgan County Young Democrats; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus with the citizens and City of Decatur, Alabama, we hereby most highly commend Mrs. Elva Brindley Frazier for outstanding service to her community and to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mrs. Frazier in token of our sincere praise and warm personal regard.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-53 S.J.R. 23—Mr. Mitchem

SENATE JOINT RESOLUTION

COMMENDING BOAZ POLICE LIEUTENANT MARK W. COFIELD, DETECTIVE DONALD WIGGINS, FIRE CHIEF JACKIE NICHOLSON AND FIREMEN JIMMY KENNAMER AND TROY COLLINS.

WHEREAS, Police Lieutenant Mark W. Cofield, Detective Donald Wiggins, Fire Chief Jackie Nicholson and Firemen Jimmy Kennamer and Troy Collins, all of Boaz, Alabama, are to be most highly praised and commended for extraordinary courage and for their heroic actions on January 13, 1982, in a valiant attempt to rescue little 8 year old Taffie Renee Schoggins; and

WHEREAS, though the Legislature notes that, regrettably, young Taffie Renee died despite such rescue efforts, the actions of the above named individuals were nonetheless deeds of valor as they labored together as a team, despite grave personal danger to themselves; and

WHEREAS, in an attempt to reach the child who had fallen into an ice encrusted pond, first Lieutenant Cofield and then Detective Wiggins entered the frigid water in search of Taffie Renee, their vision impaired in water which was cloudy with mud; and

WHEREAS, the three members of the Boaz Fire Department also were on the scene assisting with the rescue and with resuscitation efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Police Lieutenant Mark W. Cofield, Detective Donald Wiggins, Fire Chief Jackie Nicholson and Firemen Jimmy Kennamer and Troy Collins of Boaz, Alabama, for outstanding bravery; we further direct that they each receive a copy of this resolution evidencing our deep admiration and utmost regard.

Approved February 9, 1982

Time: 9:00 A.M.

Act No. 82-54 S. 166—Mr. Kirkland

AN ACT

Relating to Monroe County; authorizing the county commission to provide for holding an advisory election on the question of whether the electors favor the levying

of additional sales and use tax to raise revenue for general county and municipal purposes including the costs of garbage collection or the passage of local legislation providing for mandatory garbage pick-up service from house to house by a contractor at a fixed monthly rate per household.

Be It Enacted by the Legislature of Alabama:

Section 1. The Monroe County Commission is authorized to call and provide for holding an election for the qualified electors of the county at which there may be submitted to the qualified electors participating therein the following questions:

"Do you favor an additional one percent sales and use tax to raise revenue for general county and municipal purposes including the costs of garbage collection?"

"Do you favor the passage of local legislation to provide for mandatory garbage pick-up service from house to house by a contractor at a fixed monthly rate per household?"

The voter shall indicate his choice by placing a cross mark before one or the other question.

Section 2. If such election is called by the county commission, the date of the election shall be set by the county commission and may be held on the date of any county-wide primary, special or general election held after the passage of this act. Notice of the election shall be given by the Judge of Probate of Monroe County once a week for four consecutive weeks. The election shall be held and conducted, and the results thereof shall be canvassed, declared and published, in the manner provided by law for county elections. All expenses of the election, including the expense of publishing the said notice, shall be paid by the county.

Section 3. The results of the election shall be advisory only. The county commission shall certify the results of the elections to each member of the Legislature who represents Monroe County.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 9, 1982

Time: 2:35 P.M.

Act No. 82-55 H. 390—Rep. Hammett

AN ACT

Relating to the levy of additional sales and use taxes for purposes of the general

fund in Covington County; authorizing the county governing body to levy and collect, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Title 40, Chapter 23 of the Code of Alabama 1975; and providing for collection and enforcement of taxes by the state department of revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Covington County.

Section 2. (a) If approved by a majority of the qualified voters of Covington County who vote thereon at the referendum election provided for in subsection (b), the county governing body may adopt an order, ordinance, or resolution levying special county taxes, to parallel state sales and use taxes, in the manner and at the rates prescribed in this act, in addition to any and all other such taxes heretofore levied.

(b) The county governing body of Covington County shall call and provide for holding an election for the purpose of determining whether or not such special county taxes shall be levied and imposed as provided in this act. The election shall be held on a day not less than 30 nor more than 60 days after the date of this enactment. Notice of the election shall be given not more than 30 nor less than 15 days before the date set for the election, by publication in a newspaper published in the county once a week for two successive weeks. The election shall be held and conducted in the manner provided by law for holding other county elections; and the cost of the election, including the cost of publishing the notice, shall be paid by the county governing body. The question to be voted on shall be stated on the ballots substantially as follows: "Do you favor an additional county sales tax for purposes of the general fund?"

(c) Provided, however, if any referendum on constitutional amendments or any other special election is held in March, 1982, the question in this section shall appear on that ballot and notice thereof otherwise shall be given as herein required.

Section 3. (a) The special county taxes levied pursuant to this act shall be privilege license and excise taxes in substance as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein.

Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wresting exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the county, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail machines or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines or machinery, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines or machinery, and which are necessary to the operation of such machines or machinery, and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of the sale of such machines or machinery, attachments, parts and replacements therefor.

4. Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

5. An excise tax may be imposed on—

The storage, use or other consumption in the county of tangible personal property purchased at retail, for storage, use or other consumption in the county, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in the county or in this state, except as provided in paragraphs a and b below; and

a. The storage, use, or other consumption in the county of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail for storage, use, or other consumption in the county, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied shall be paid on the net difference, that is, the difference in the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

b. The storage, use, or other consumption in the county of any machines or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines or machinery, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines or machinery, purchased at retail for storage, use, or other consumption in the county, at the rate of one-half of one percent of the sales price of such machines or machinery or the parts, attachments, or replacements therefor.

(b) There shall be exempted from the levy of such taxes the gross receipts of any business and the gross proceeds of all sales which are exempted under the state sales tax statutes from the computation of the amount of the state sales tax. And there shall also be exempted from the levy the storage, use, or other consumption of property, the storage, use or other consumption of which is exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Covington County tangible personal property purchased at retail shall be liable for the tax imposed, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given to the purchaser of any property to be used, stored, or consumed in Covington County shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer. The term "registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes. The term "state sales tax statutes" means Title 40, Chapter 23, Code of Alabama 1975, as amended, which levies a retail

sales tax for state purposes and the incidence and collection of the tax imposed therein. The term "state use tax statutes" means Article 2 of Chapter 23, Title 40, Code of Alabama 1975, as amended.

(c) For the purpose of this act, the location of the place of business of the seller shall determine the liability of the seller for the tax levied under the act.

Section 4. Unless otherwise expressly provided for in the order, ordinance, or resolution levying the taxes herein authorized, such taxes shall become effective on the first day of the second month next following the date of the order, ordinance, or resolution; provided, notice of the adoption of such an order, ordinance, or resolution must be given to the commissioner of the state department of revenue not less than 45 days before the taxes are to become effective. The taxes levied and imposed shall be in addition to all other taxes now provided by law and shall be collected as hereinafter provided.

Section 5. All taxes levied pursuant to this act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth with respect to all sales and business that are required to be used as a measurement of the tax levied, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth with respect to the use tax levied, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax during the then preceding quarterly period. Such reports shall include also such other items of information pertinent to the said taxes and the amount thereof as the state department of revenue may require. Any person subject to the taxes levied may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of Covington County, or its designated agent, at reasonable times during business hours.

Section 6. Every registered seller regularly and continually making sales of tangible personal property for storage, use, or other consumption in Covington County (which storage, use or other consumption is not exempted from the tax imposed) shall at the time of making such sale or, if the storage, use, or other consumption of such tangible personal property in the county is not then taxable under

this act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Covington County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed, and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 5.

Section 7. Each person engaging or continuing within Covington County in a business subject to the taxes levied pursuant to Section 3 shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required to collect. It shall be unlawful for any person subject to the tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount

of the tax imposed or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 8. The taxes imposed pursuant to this act shall constitute a debt due Covington County and may be collected by civil suit, in addition to all other methods provided by law and in this act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the county taxes levied and the state department of revenue, for the use and benefit of Covington County shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving the act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Covington County.

Section 9. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports, or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied pursuant to Section 3 hereof, shall apply to the county tax levied; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this act when applied to the county use tax levied shall apply to the county tax. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state sales

tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this act to the county taxes levied and to the administration of this act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 10. The state department of revenue shall charge Covington County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the commission of revenue and the county governing body, but such charge shall not in any event exceed three percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Covington County for that month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of Covington County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of the county during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public funds of Covington County in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of public funds for Covington County shall maintain separate records of such special account.

Section 11. The revenue derived by the county from the taxes levied under this act shall be deposited in the county general fund for expenditures for purposes of the county.

Section 12. All laws or parts of laws which conflict with this act are repealed only to the extent of such conflict.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law, except as otherwise herein provided.

Approved February 11, 1982

Time: 3:15 P.M.

Act No. 82-56 S.J.R. 9—Mr. Pearson

SENATE JOINT RESOLUTION

HONORING MRS. MARVA DELOISE NETTLES COLLINS, NATIONALLY PROMINENT EDUCATOR AND FOUNDER OF WESTSIDE PREPARATORY SCHOOL, CHICAGO, ILLINOIS.

WHEREAS, it is in deep personal pride that the Legislature of Alabama today honors a native Alabamian who has achieved national prominence in the field of education, and whose achievements bear witness to her dedication of purpose; and

WHEREAS, Mrs. Marva Deloise Nettles Collins, a native of Monroeville, Alabama, is the recipient of a B.A. Degree from Clark College in Atlanta, Georgia, and is a graduate of Chicago Teacher's College; she also has studied on the post graduate level at Columbia College and holds honorary degrees bestowed by Howard and Wilberforce Universities; and

WHEREAS, Mrs. Collins first taught in the public schools of her native Monroeville, from 1957 until 1959, and for 14 years, in the Chicago public schools; and

WHEREAS, in 1975, she founded the now-famous Westside Preparatory School in her own home and has since become known as a pioneer educator whose teaching concept is unique in its fruitful combination of discipline tempered with inspiration, patience and praise, and of emphasis on the basics of education as a firm foundation of knowledge; and

WHEREAS, as a result of her success, Mrs. Collins has appeared on the Phil Donahue Show and Good Morning America, and her story has been told on a segment of 60 minutes as well as in newspapers and magazines throughout the United States; most recently, her educational triumphs were heralded on national television through "The Marva Collins Story"; and

WHEREAS, her other honors and tributes included the Watson Washburn Award for Excellence, a United Negro College Fund Award and Educator of the Year among numerous others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly

praise and commend Mrs. Marva Deloise Nettles Collins, and express our warm and deep personal pride in the outstanding accomplishments of a native Alabamian.

BE IT FURTHER RESOLVED, That Mrs. Collins receive a copy of this resolution that she and her family may be aware of our sincere praise and utmost regard.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-57 S.J.R. 21—Mr. Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. THOMAS DAMERON RUSSELL, PROMINENT ALABAMA INDUSTRIALIST AND PHILANTHROPIST.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature notes the death of Mr. Thomas Dameron Russell of Alexander City, Alabama, on January 18, 1982, at the age of 78 years; and

WHEREAS, a former Purchasing Agent and Vice President, President from 1945 to 1968 and, at the time of his death, Chairman of the Board of Russell Corporation, Mr. Russell was held in highest regard within the textile industry of our nation which he served in leadership on local, state and national levels; and

WHEREAS, Mr. Russell, who was a graduate of the University of Alabama, had also traveled extensively and worldwide; he was a learned man whose interests were manyfold and as varied as his philanthropic works which included the provision of numerous college scholarships to his area's youth, funded through the Benjamin and Roberta Russell Foundation, substantial contributions to our state's institutions of higher learning, as well as financial and promotional support of the University of Alabama's Medical Center in Birmingham; and

WHEREAS, Mr. Russell's useful life always was one of concern for others, manifested in deeds of generosity to those less fortunate than he; his gifts were generous and quietly bestowed in keeping with his profound humility and unpretentious manner; and

WHEREAS, he was a Life Trustee of both Samford University and the University of Alabama, an Honorary Trustee of Tuskegee Institute and of the Carver Foundation and a Trustee of the Alabama Association of Independent Colleges, as well; and

WHEREAS, a retired Chairman of the Board of the First National Bank of Alexander City, Mr. Russell was also a past Director of the First National Bank of Montgomery and First Alabama Bancshares; he was three times President of the Alabama State Chamber of Commerce and was a Director, at his death, of this organization of which his father was a founder and first President; and

WHEREAS, his accolades, though unsought, were legion and included awards and honors for his service to humanity in general, for his support of research and education and for his leadership in business areas; he held an Honorary Degree of Doctor of Laws from the University of Alabama, was a member of the Alabama Academy of Honor and the Alabama Business Hall of Fame and with the election of Julia Walker Russell to the Academy of Honor in 1975, was distinguished with his wife as the first husband and wife to be so honored; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death and are bereft in the loss of Mr. Thomas Dameron Russell of Alexander City, Alabama, and extend our deepest, most heartfelt sympathy to his beloved wife of many years, Mrs. Julia Walker Russell, to their daughters, Mrs. Nancy Elizabeth Russell Gwaltney, Mrs. Ann Russell Caceres, and to other family members to whom copies of this resolution shall be sent.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-58 S.J.R. 27—Messrs. Proctor and Cook

SENATE JOINT RESOLUTION

COMMENDING CAPTAIN ED LIGHTSEY UPON HIS RETIREMENT AS A STATE CONSERVATION OFFICER.

WHEREAS, the Alabama Legislature notes with commendation and praise the outstanding career of Captain Ed Lightsey as a state conservation officer with the Alabama Department of Conservation and Natural Resources; and

WHEREAS, a 1950 graduate of Auburn University in agricultural sciences, Captain Lightsey also is a United States Navy veteran who has worked both as a coal miner and dairyman, and as a teacher at his Alma Mater, Bibb County High School; and

WHEREAS, Captain Lightsey, as a conservation officer for 28

years, spent the last two decades of his tenure in his supervisory capacity as a Captain; he still often patrolled the woods and fields, however, as he had done regularly during his first years of service with the department; and

WHEREAS, though his career as a state conservation officer involved a great deal of law enforcement duty and responsibility related to subsequent arrests for violations, encompassing a ten-county area, Captain Lightsey's primary interest and concern was in the area of proper management of wildlife resources through education of citizens with regard to our state's laws; and

WHEREAS, Captain Lightsey's reputation as an exemplary public servant thoroughly knowledgeable in his field is a reputation well deserved for one so widely recognized for his outstanding ability and accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Captain Ed Lightsey on his prestigious career with the Alabama Department of Conservation and Natural Resources.

BE IT FURTHER RESOLVED, That Captain Lightsey receive a copy of this resolution that he may be aware of our sincere gratitude for his service, of our warm personal regard and of our best wishes for continued success in all future endeavors.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-59 S.J.R. 29—Mr. Proctor

SENATE JOINT RESOLUTION

COMMENDING 1981 ALL-AMERICAN JOHN HAND OF SYLACAUGA HIGH SCHOOL.

WHEREAS, it is with tremendous pride that the Alabama Legislature congratulates and commends 1981 All-American John Hand of Sylacauga High School, Alabama's representative on the 19th annual High School All-American Football Team as selected by Parade Magazine; and

WHEREAS, also a class officer and an outstanding student with a 90-plus grade point average, John Hand's talent extends to include accomplished performances as center on his school's varsity basketball team, averaging 15 points and 15 rebounds per game; and

WHEREAS, as an All-American tackle, however, John Hand, at

6 feet seven inches tall and 285 pounds, had a tremendous '81 season, highlighting his high school career as a three-year starter for Sylacauga High School; and

WHEREAS, Alabama's own John Hand of Sylacauga now stands on the threshhold of a promising collegiate career on scholarship and, of course, potential greatness as a professional athlete in either football or basketball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate All-American John Hand of Sylacauga High School and direct that he and his mother, Mrs. Freddie Hand, receive copies of this resolution, tendered in warm praise and in gratitude for the honor he has brought to his hometown, to his school and to the entire State of Alabama.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-60 S.J.R. 30—Mr. Weeks

SENATE JOINT RESOLUTION

HONORING JUDGE BEN REEVES UPON HIS RETIREMENT AS PROBATE JUDGE, PIKE COUNTY, ALABAMA.

WHEREAS, the January 1982 retirement of the Honorable Ben Reeves, Pike County Probate Judge, brings to a close an outstanding career of some 44 years in public office, a career distinguished through exemplary service to the citizens of the State of Alabama; and

WHEREAS, a native of Pike County and of Brundidge, Alabama, Judge Reeves was elected first to public office in 1939 to serve as Sheriff of Pike County as had his father before him and other family members as well; he served in such capacity for four consecutive terms except for a period during World War II following his enlistment in the United States Navy, and during which time his mother was appointed to serve as sheriff in his absence; and

WHEREAS, in 1955, Judge Reeves was elected to the State Senate representing District 25 composed of Pike, Coffee and Crenshaw Counties; and

WHEREAS, in 1959, he ran for and was elected to his third public office of trust, that of Probate Judge of Pike County, a position he has since held following success in each subsequent bid for reelection; and

WHEREAS, Judge Ben Reeves is an outstanding individual who has long and well served the citizens of the State of Alabama and, in so doing, has earned the admiration and regard of those who have benefited from his dedicated efforts for more than four decades; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Judge Ben Reeves, Pike County, Alabama, and direct that a copy of this resolution be presented to him in token of our sincere gratitude and warm personal regard.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-61 S.J.R. 33—Mr. Little

SENATE JOINT RESOLUTION

COMMENDING THE 1981 GOLF TEAM AND COACH ANTHONY DRAGOIN OF AUBURN UNIVERSITY.

WHEREAS, it is with great pleasure that the Legislature of Alabama recognizes the outstanding accomplishments of the 1981 Auburn University Golf Team under Coach Anthony Dragoin; and

WHEREAS, with the entire team shooting consistently in the low 70's, and just as consistently finishing high in every tournament, the season's zenith was reached with Auburn's capture of the 1981 Southeastern Conference Championship; and

WHEREAS, team members Bill Bergin, John Fisher, Tim Krapfel, J. Hicks Malonson and Ricky Smallridge, in addition to their accomplishments on the links, were accomplished in their studies as well, and are to be further commended for their embodiment of the Auburn spirit of dedication, sacrifice and hard work; and

WHEREAS, Coach Dragoin, himself an Auburn graduate with B.S. and M.S. Degrees and his Doctorate from the University of Alabama, has been a full-time Associate Professor in Auburn's School of Education since 1951 and golf coach since 1967; during his college years at Auburn, he was All American in wrestling and finished 4th in the 1951 NCAA Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the 1981 SEC Champion Golfers and their coach, Dr. Anthony Dragoin.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Coach Dragoin and for each of his champion golfers that they may know of our warm praise, pride and esteem.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-62 S.J.R. 48—Messrs. St. John, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

CORDIALLY INVITING PRESIDENT RONALD REAGAN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE AND CALLING FOR SAID JOINT SESSION TO BE HELD ON MARCH 15, 1982.

WHEREAS, the Legislature of Alabama and all citizens of our state are highly honored to learn of the impending visit of President Ronald Reagan to the State of Alabama and to our Capital City of Montgomery; and

WHEREAS, we most particularly are pleased that the President's visit has been planned for a time when the Legislature is assembled in Regular Session, thereby providing us with the opportunity to cordially invite Mr. Reagan to address the Legislature, in Joint Session for the purpose of his appearance and for the purpose of hearing his remarks in general, and specifically in regard to the proposed new Federalism and its division and interaction of areas of responsibility between the federal government and the various states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby cordially invite President Ronald Reagan to appear before a Joint Session of the Alabama Legislature and, in hopeful anticipation of an acceptance, we further call for said session to be held on March 15, 1982,

and at a time to be set by the Legislature at the convenience of Mr. Reagan.

BE IT FURTHER RESOLVED, That the Secretary of the Senate, by copy of this resolution, advise President Reagan of our cordial invitation and of our consideration of his acceptance as an honor and great privilege for the Legislature and the entire State of Alabama.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-63 H.J.R. 85—Rep. Riddick

HOUSE JOINT RESOLUTION

CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON FEBRUARY 11, 1982, AT 11:15 A.M.

WHEREAS, for our place of prominence in space exploration, America owes a debt of gratitude to the dedicated men and women of the National Aeronautics and Space Administration and to our courageous astronauts who are responsible for our nation's achievement in space; and

WHEREAS, it is also with deep pride that we look to our accomplishments and, most particularly, to those of the Marshall Space Flight Center in Huntsville, Alabama, where the propulsion system of the space shuttle Columbia was developed; and

WHEREAS, aboard the Columbia, on its maiden flight into space, was the flag of the State of Alabama, which is to be presented to Governor Fob James on behalf of the citizens of Alabama by Astronauts Joe Engle and Richard Truly, who successfully completed the shuttle's second orbital flight; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the Alabama Legislature be held on February 11, 1982, at 11:15 a.m., in the House Chamber, for the purpose of flag presentation ceremonies to Governor James by Astronauts Engle and Truly.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-64 H.J.R. 29—Rep. Cates

HOUSE JOINT RESOLUTION

EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY THE MANAGEMENT OF ALL STATE FUNDS CREATED BY ACT NO. 80-250, HJR 187 OF THE 1980 REGULAR SESSION.

WHEREAS, there is further need to study the management of all public funds involving any state monies whatsoever; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the committee to study the management of state funds created by Act No. 80-250, HJR 187 of the 1980 Regular Session is hereby extended for a period of one year.

Said committee shall continue to have the same powers, duties, functions, rights and privileges, and shall report their findings and recommendations to the legislature by the fifth legislative day of the 1983 Regular Session.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-65 H.J.R. 87—Reps. Blake, Rains

HOUSE JOINT RESOLUTION

COMMENDING MR. BILL HAMILTON FOR OUTSTANDING COURAGE IN HIS HEROIC RESCUE OF TWO YOUNG BOYS.

WHEREAS, on January 11, 1982, Mr. Bill Hamilton and a companion, both employees of the Alabama Power Company, were traveling on I-20 enroute to Atlanta on temporary assignment to APC's Southern Company Data Center; and

WHEREAS, fortunately for young Rodney and Brian Cushing of Saint Clair County, Mr. Hamilton and his friend saw the two boys, ages 9 and 12, struggling in the frigid waters of an ice encrusted pond; young Rodney had fallen through the ice and his older brother, Brian, had jumped in to attempt a rescue; and

WHEREAS, immediately exiting the interstate and driving to the scene, Mr. Hamilton, with his companion's assistance, saved the lives of the two youngsters though he, himself, also was in imminent danger of drowning or from exposure in the icy waters; and

WHEREAS, as a result of Mr. Hamilton's courage and valor the lives of two young boys were saved and they have since completely

recovered following emergency medical treatment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Bill Hamilton for outstanding courage and for his unselfish willingness to sacrifice his own life for another.

BE IT FURTHER RESOLVED, That Mr. Hamilton receive a copy of this resolution, in token of our sincere commendation and admiration for his enviable courage.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-66 H.J.R. 98—Rep. Cabaniss

HOUSE JOINT RESOLUTION

COMMENDING THE JEWISH COMMUNITY CENTER OF BIRMINGHAM ON THE OCCASION OF ITS 75th ANNIVERSARY OF SERVICE.

WHEREAS, the Jewish Community Center of Birmingham is celebrating its 75th anniversary; and

WHEREAS, the Center serves as a cultural, educational and recreational facility for people of all ages and creeds; and

WHEREAS, the Center provides activities, programs and facilities for the educational, moral, social and physical needs of its members; and

WHEREAS, the Center employs a staff of trained and talented teachers, group workers, physical educators and cultural arts specialists to provide members with opportunities for the development of new talents and skills; and

WHEREAS, the Center offers more than 300 different classes, meetings, activities and events each year not only for the benefit of its more than 5,000 members, but for thousands of other people in the community as well; and

WHEREAS, in serving its cultural role, the Center provides a home for the more than 100-voice Birmingham Civic Chorus, a stage for the actor's company known as the Center Players, and sponsors frequent exhibits by local artists; and

WHEREAS, the Center, with its multitude of programs and activities, evolved over a period of three-quarters of a century, having its beginnings in a rented house and having experienced periods of

both progress and stagnation, hope and despair; and

WHEREAS, the Center's very survival and its great success are the result of the work of many dedicated supporters; and

WHEREAS, the Center has become an enduring symbol of unity and strength and occupies a unique place in the Birmingham community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Jewish Community Center of Birmingham, Alabama, expressing our warm praise of its accomplishments and our deep gratitude for the needs served through the Center's community involvement for the past 75 years.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Center in declaration of our high praise and in expression of our fervent hopes for a long continuation of its programs of service.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-67 H.J.R. 102—Reps. Minus, Manley

HOUSE JOINT RESOLUTION

COMMENDING MR. W. L. STEPHENS OF YORK, ALABAMA, UPON HIS RETIREMENT AS A STATE CATTLE INSPECTOR.

WHEREAS, it is in utmost praise of service that the Alabama Legislature notes the December 31, 1981 retirement of Mr. W. L. Stephens of York, Alabama, as a State Cattle Inspector; and

WHEREAS, Mr. Stephens, who is a native and lifelong resident of Sumter County, retired with the longest record of law enforcement service in his county, having worked throughout the entire State for some 35 years assisting the various sheriffs in Alabama with cattle thefts in their respective locales; and

WHEREAS, not only did Mr. Stephens work on special assignments from the Governor's office, in all areas of crime, but also in close cooperative assistance to the FBI, the Alabama Department of Public Safety, Game Wardens and other county officials statewide, and with officials in the border states of Alabama, as well; and

WHEREAS, Mr. Stephens, also through the years, has been involved actively with the affairs of the York Baptist Church, to which

he belongs, and in numerous of the other of his community's activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. W. L. Stephens of York, Alabama, on his outstanding career in law enforcement and warmly wish him well in all future endeavors.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-68 H.J.R. 103—Reps. McKee, Dixon

HOUSE JOINT RESOLUTION

COMMENDING MR. LARRY STEVENS, PROMINENT MONTGOMERY CIVIC LEADER AND DISTINGUISHED RADIO EXECUTIVE AND ANNOUNCER.

WHEREAS, the Alabama Legislature with extreme pride and pleasure extends congratulations to Mr. Larry Stevens of Montgomery, Alabama, on his most recent honor, recipient of the Montgomery Jaycees' 1981 Young Man of the Year Award for outstanding contributions in his profession, civic affairs, community service, and church service; and

WHEREAS, Mr. Stevens has been a resident of Montgomery since 1969 and since starting as a radio announcer with Station WHHY, Montgomery, Alabama; he has been music director and program director and in 1975 was made Vice President of the company's board of directors, and during that time he has led WHHY AM/FM to dominance in the radio market in the Montgomery area, and he has led the AM station, from its fifth position to first, where it has remained for almost ten years and the FM station, in a fifteen station market, to the third and second position during the last five years; and

WHEREAS, under the direction of Mr. Larry Stevens, WHHY AM/FM has changed the complexion of the radio industry in the Montgomery market and set the professional level for several years, and the station has been voted by record company presidents as one of the five most influential stations in the country in the area of selecting hit music and the station has received presentations by industry trade publications in recent years; and

WHEREAS, Mr. Larry Stevens has received one of the industry's most coveted national awards, "Morning Air Personality of the Year,"

twice in the past five years; and

WHEREAS, through his work with WHHY, Mr. Stevens continually works for the betterment of his fellowman, his community, assisting disaster victims, families who have experienced tragedy, and has given generously of his time, energy and talents to many civic and charitable organizations in raising funds; and

WHEREAS, since joining the Montgomery Jaycees seven years ago, his enthusiasm for Jaycee projects has been underscored by his exemplary involvement in numerous Jaycee charitable activities, including: the Haunted House, Christmas shopping tour, television auction, the "Riverboat" project, to name only a few, and he has brought these worthwhile endeavors to the attention of thousands of our citizens through his daily radio programs; and

WHEREAS, Mr. Stevens, through his individual efforts, has raised thousands of dollars in funds for the Civitan Club, the U. S. Marine Corps in collecting toys for disadvantaged children, the local P.O.W. and M.I.A. organizations, the Special Olympics—especially as chairman of the Special Olympics Network—environmental and ecological projects, fire safety, paramedic services, the Red Cross, the mentally handicapped, birth defects, special children, educational and scholarship opportunities for underprivileged youth, Muscular Dystrophy Telethon, the Montgomery Lukemia Chapter, the United Appeal of Montgomery, the Arthritis Foundation, Y.M.C.A., "Zoo Weekend," Cystic Fibrosis, and the Tumbling Waters Museum of Flags; and

WHEREAS, Mr. Stevens has combined his organizational expertise and deep compassion for his fellowman with service on the boards of many of these charitable and civic organizations; and

WHEREAS, Mr. Stevens has brought distinction to his profession and to himself in receiving many other awards, including: the "Keyman Award," Outstanding External Director from the Jaycees and Outstanding Young Man in America in 1973, 1977, 1978, 1980 and 1981; and

WHEREAS, as a member, Sunday School teacher and superintendent and chairman of the Southeast Christian Church board of trustees and steering committee, Mr. Stevens has been actively involved in all phases of the church's ministry and expansion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend Mr. Larry Stevens for his outstanding accomplishments and service to others through his association with WHHY AM/FM radio station,

the Montgomery Jaycees and many other charitable, religious and civic organizations.

BE IT FURTHER RESOLVED, That a copy of this resolution, evidencing our regard, be sent to Mr. Larry Stevens with a copy also provided for WHHY AM/FM radio station in Montgomery.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-69 H.J.R. 104—Rep. Cobb

HOUSE JOINT RESOLUTION

COMMENDING THE HAMILTON HIGH SCHOOL NINTH GRADE JUNIOR TEAM ON ITS OUTSTANDING BASKETBALL RECORD.

WHEREAS, The Alabama Legislature notes with congratulation and warm praise the outstanding 21-1 season record compiled by the Hamilton High School Ninth Grade Junior Basketball Team; and

WHEREAS, undefeated in regular season play, the Aggies, under Coach Scott Strickland, went on to defeat Cleburne County and Carver Junior High in the first two games of the Sub-State Junior High Basketball Tournament, losing their only game of the season against Coffee Junior High School in the Tournament finals; and

WHEREAS, Coach Strickland is indeed to be congratulated on his talented coaching ability and for his outstanding leadership of team members: Jimmy Newton, David Newton, Kerry Peoples, Barry Peoples, Ryan Hollingsworth, Jim Davis, Randy Frederick, Gregg Burrow, Chris Cook, Mike Irvin, Anthony Burrow, Kevin Wilson, Steve Swinney and Marice Marchbank; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend Coach Strickland and his Hamilton High School Ninth Grade Junior Basketball Team on the Aggies' sensational basketball season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Strickland on behalf of the team with a copy also provided for appropriate school display.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-70 H. 232—Rep. Minus

AN ACT

Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act:

(1) "Automatic Tabulating Equipment" shall mean apparatus which automatically examines and counts votes recorded on paper ballots or ballot cards and tabulates the results.

(2) "Paper Ballot" shall mean a printed paper ballot which conforms in layout and format to the electronic voting system in use.

(3) "Ballot Card" shall mean a tabulating card on which votes may be recorded.

(4) "Ballot Label" shall mean the cards, papers, booklet, pages or other material which contain the names of offices and candidates and statements of measures to be voted on and which are used in conjunction with ballot cards.

(5) "Ballot" shall mean ballot cards or paper ballots.

(6) "Counting Center" shall mean one or more locations selected and designated by the county commission or the municipal governing body, as the case may be, for the automatic counting of ballots in the election.

(7) "Electronic Voting System" shall mean a system in which votes cast by paper ballots or ballot cards, may be tabulated by automatic tabulating equipment.

(8) "Voting Device" shall mean an apparatus in which paper ballots or ballot cards are used in connection with either a punch device for the piercing of ballots by the voter, or a device for marking ballots with ink or other substance, or any other method for recording votes on ballots in such way that the ballot may be tabulated by means of automatic tabulating equipment.

Section 2. (1) In Sumter County, the county commission, or the governing body of any city or town in the county may adopt; experiment with; acquire by purchase, lease, or otherwise, or abandon

any electronic voting system authorized by this Act for use in all elections in the county or city or only for use thereof in certain elections. Further, may use such system in combination with paper ballots; and may use such system in all or a part of the voting districts within its boundaries. The local authorities, on the adoption and acquisition of an electronic voting system, shall provide for payment therefor in such manner as they deem for the best interest of the locality. Provided, however, the county or city shall not be required to furnish electronic voting systems in voting precincts or districts that contain less than 600 voters.

(2) Notwithstanding any other provisions of this act or of any other law the ballots to be counted by means of electronic or electromechanical devices shall be of such size, layout and texture, and shall be printed in any type of ink or combination of inks that will be suitable for use in the automatic counting devices.

Section 3. No electronic voting system shall be used in any election unless it satisfies the requirements of Section 17-9-7, Code of Alabama 1975, and

(1) Permits each voter, at other than primary elections, to vote for the nominees of one or more political parties and for independent candidates, and

(2) Permits each voter to vote for candidates in the primary of the political party of his choice, and

(3) Prevents a voter from voting for the same person more than once for the same office, and

(4) Is suitably designed for its purpose and in such a manner that it may be used safely, efficiently and accurately in the conduct of elections and the counting of ballots, and

(4) Accurately and correctly records and counts every vote cast when properly operated.

Section 4. A. If automatic tabulating equipment which require the use of ballot cards are used:

(1) Ballot labels used in conjunction with ballot cards shall, as far as practicable, be in the same order or arrangement as provided for ballots for elections conducted under the general law, except that the names of all candidates for each office shall be arranged in alphabetical order according to their surnames or last names, and except that such information may be printed in vertical columns or on a number of separate pages which are placed on the voting device.

Following the listing of particular candidates, the pages placed on the voting device shall be of sufficient number to include the names

of candidates for any non-partisan offices and any measures on which a voter may be qualified to vote.

In a primary election the pages placed on the voting device may be arranged with the entire ballot label consisting of several groups of pages, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups or pages used to list candidates for non-partisan offices or measures. Groups of pages shall be identified by color or other suitable means, and voters shall be instructed to vote only for candidates of the party of their choice and, thereafter, to vote for non-partisan candidates or measures.

(2) Ballot labels shall be printed in plain clear type in black ink, of such size and arrangement as to fit the construction of the voting device. Said labels shall be printed on clear white material or on material of different colors to identify different ballots or parts of a ballot. In primary elections multi-colored ballot labels may be used to identify each political party.

(3) On all ballot labels the titles of offices and the names of candidates shall in all election primaries be arranged in vertical columns or in a series of separate pages. The office titles and the name, or an abbreviation of the name of the political party, shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office, the party and the number to be elected. All candidates for one office shall, insofar as feasible, be grouped on one page. In case there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label shall be clearly marked to show that the list of candidates is continued on the following column or page. In partisan elections the party designation of each candidate shall be printed to the right or below the candidate's name. Arrows may be used to indicate the place to vote for each candidate and on each measure.

(4) In partisan elections the ballot labels shall include a voting square or position whereby the voter may by one punch or one X record a straight party ticket vote for all the candidates of one party or may vote a split ticket for the candidates of his choice. In such partisan elections the party designation and party emblem of each party shall be printed on the ballot labels immediately above the square or position which permits the straight ticket voting. The name or abbreviation of the name of the party shall appear after the name of each individual candidate seeking nomination by such party or seeking election after nomination as such party's candidate.

B. If automatic tabulating equipment which requires the use of paper ballots are used:

(1) Such ballots shall conform to the requirements of Section 17-8-1 et seq, Code of Alabama, 1975.

C. If either of the above said automatic tabulating equipment if used:

(1) Paper ballots or ballot cards shall be of the size, design and stock suitable for processing by automatic data processing machines. Each paper ballot or ballot card shall have an attached, serially numbered, stub or perforated stub, which shall be removed by an election officer before it is deposited in the ballot box, or a place where a number can be recorded and obscured. A record of the number of each ballot issued shall be kept by the election official and such record shall record the name of the recipient of such ballot. The name of the county or other local governmental unit, the district number, the designation and date of the election, and a facsimile of the signature of the judge or appropriate municipal officer who has caused the ballot to be printed shall be printed on the paper ballot or ballot card stub. Each paper ballot or ballot card shall contain the same serial number as the stub.

(2) Sample ballots, which shall be facsimile copies of the official ballot or ballot labels, shall be provided and posted in each polling place on election day as required by law. Sample ballots may be printed on a single page or on a number of pages stapled together.

(3) In elections in which voters are authorized to vote for persons whose names do not appear on the ballot, a place shall be placed on the ballot or a separate write-in ballot shall be provided to permit voters to write in the title of the office and the name of the person or persons for whom he wishes to vote.

Section 5. (1) Prior to any election at which electronic voting devices are used, the probate judge or appropriate municipal officer shall have prepared the voting devices, voting booth, ballot boxes, ballot labels, ballot cards or paper ballots, "write-in" ballots and such other records and supplies as required.

(2) Unless the voting device enables the voter to mark his choices in secret, the sheriff or appropriate municipal officer shall provide voting booths for each voting box or voting center, which shall be of a size and design so as to enable the voter to mark his ballot in secret. The probate judge or appropriate municipal officer shall determine the number of voting devices and voting booths to be provided.

Section 6. (1) The election official shall arrive at the polling place 30 minutes before the opening of the polls, open the voting devices, and examine them to see that they are in proper working

order. They shall open and check the ballots, supplies, records and forms and they shall also post the sample ballots and instructions to voters.

(2) In the event paper ballots are not used, each voter shall be instructed how to operate the voting device before he enters the voting booth. If paper ballots are used and the voter needs instructions or assistance he may be provided such assistance or instructions in the manner provided by Alabama law as it applies to use of paper ballots.

(3) Any voter who spoils his paper ballot or ballot card may return it and secure another. The word "spoiled" shall be written across the face of the ballot and it shall be placed in the envelope for spoiled ballots.

(4) After the voter has marked his paper ballot or ballot card, he shall place the paper ballot or ballot card in the box provided or place the ballot inside the envelope provided and return it to an election officer, who shall remove the stub and deposit the envelope with the ballot inside the ballot box. No ballot card from which the stub has been detached shall be accepted by the election officer in charge of the ballot box, but shall be marked "spoiled" and placed with the spoiled ballot cards.

(5) As soon as the polls have been closed and the last qualified voter has voted, all unused ballots shall be placed in a container and sealed for return to the sheriff or appropriate municipal officer. If the ballots are to be tabulated in the polling place, the counting equipment used shall have an element which generates a printed record at the beginning of its operation which verifies that the tabulating elements for each candidate's position, each question and the public counter are all set to zero, and with an element which generates a printed record at the finish of its operation of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate, and the total number of votes cast for, or against any question appearing on the ballot. If the ballots are to be counted centrally, the ballot box shall be opened, and any ballots containing write-in votes may be separated, counted, and tabulated on a standard form provided for this purpose, or such may be separated, counted and tabulated at the central place of counting and tabulation as the equipment for counting tabulating dictates. If the voter has cast more votes for an office than he is entitled as a result of the write-in vote, such write-in vote shall be counted as being the obvious intent of the voter. Any such ballots shall be fastened to the reporting form for write-in vote tabulation and placed in the ballot container with all other voted ballots for delivery to the counting center. The voting devices shall be placed in their containers and locked or sealed for returning to the sheriff or appropriate municipal officer, and the sealed container shall

be returned to the sheriff by chief inspector.

(6) The election inspector shall prepare a report of the number of voters who have voted, as indicated by the poll list, and shall place the original copy of this report in the ballot container so that no additional ballots may be deposited or removed, and shall deliver such container to the counting center. The duplicate copy of this report shall be returned to the sheriff or appropriate municipal officer with other records. The returning officer and the inspector, who shall be members of different political parties when this is feasible, shall forthwith deliver the ballot container to the counting center or other designated place. The judge of probate or appropriate municipal officer may provide that the ballots shall be picked up at the polling places by two authorized returning officers, who shall be of different political parties, if feasible.

Section 7. (1) Prior to the start of the counting of the ballots, the judge of probate or the appropriate municipal officer shall have the automatic tabulating equipment tested in the presence of authorized watchers for interested persons or designate representatives of political parties, to insure proper performance and to ascertain that it will accurately count the votes cast for all offices and all measures.

(2) All proceedings at the counting center shall be under the direction of the probate judge or appropriate municipal officer, or persons designated by him, and shall be conducted under observation of authorized watchers for interested persons and the public, but no person except those authorized for the purpose shall touch any ballot or ballot card or return. All persons who are engaged in processing and counting of the ballots shall be deputized and take an oath that they will faithfully perform their assigned duties. Each political party having election watchers at the polls shall be entitled to have watchers at the counting center in sufficient number, to be determined by the governing body of the county or city so as to permit accurate observance of the receipt, handling, duplication, and processing of all ballots.

If any ballot is damaged or is defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made and substituted for the damaged ballot. All duplicate ballots shall be clearly labeled "duplicate" and shall bear a serial number which shall be recorded on the damaged or defective ballot. The probate judge or appropriate municipal officer may, prior to the conduct of the official count, conduct an unofficial count in order to provide early unofficial returns to the public.

(3) The return by the automatic tabulating equipment, to which have been added write-in, challenged and absentee votes, shall, when

certified by the board of election supervisors as provided for in Section 17-14-1, Code of Alabama 1975, constitute the official return of each election. The persons engaged in processing and counting ballots may from time to time release unofficial returns. Upon completion of the count the returns shall be open to the public, but such returns shall be deemed unofficial until canvassed and the results declared pursuant to Sections 17-14-1 through 17-14-25, Code of Alabama, 1975.

(4) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the judge of probate or appropriate municipal officer may direct that the ballots be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

Section 8. Absentee votes and challenged votes shall be cast on paper ballots or on ballot cards and handled in all ways as prescribed by the law relative to challenged votes, the absentee ballot law or any other applicable law.

Section 9. All challenged votes shall be counted and handled in the manner prescribed by law.

Section 10. Upon completion of the count, all ballot cards, absentee ballots, challenged ballots, write-in ballots and paper ballots, shall be securely packaged, suitably labeled and sealed, and delivered to the returning officer of the election. The election officials shall likewise package and seal a true copy of the ballot label used in each voting district or at each voting center. Thereafter these packages are to be retained and disposed of in accordance with the provisions of Section 17-13-5, Code of Alabama, 1975. The election officials shall likewise package and retain all tabulating cards and other materials used in programming the automatic tabulating equipment. The person programming such equipment may have access to these tabulating cards and other materials; he shall not, however, alter or make changes to these materials, but may make copies of the originals and make changes to the copies. The sheriff shall retain and dispose of these materials in the same manner and at the same time he is directed by said Section 17-13-5, supra, to retain and dispose of paper ballots.

Section 11. Any election held pursuant to this act may be contested in the same manner prescribed by law for contesting other elections, and a recount of the votes may be ordered under the same circumstances and conditions as recounts relative to other elections are ordered. Should a recount of votes be ordered as provided by law, the ballots shall be recounted in the manner directed by the judicial authority.

Section 12. (a) If the governing body of the county, with the approval of the probate judge, or the governing body of a municipality

authorizes and provides for the use of the electronic voting system pursuant to this act, then such governing body shall also designate voting beats and voting boxes within such beat in the county. The order so designating voting boxes shall state (1) the location of the voting beat and box and (2) the boundaries of the territory in which electors shall reside to be entitled to vote at said voting beat. A copy of this order shall be posted at the courthouse door of the county or at the post office door of any municipality which provides for the use of such electronic voting systems. The limitations prescribed by law as to the number of electors who may reside in a voting district shall not apply to a territory designated hereunder. Boxes may be established for territory or alphabetically. All of the territory designated for a voting box shall be located in the same beat. The county or municipal governing body may by law abolish a voting beat and discontinue the voting box or boxes therein or may extend or restrict the boundary of such voting territory and retain the voting boxes therein or may subdivide such voting territory and designate an additional voting boxes therein.

(b) Except as herein expressly provided, in designating voting beats and the territory for which they were established, the county or municipal governing body shall be subject to all other applicable laws regarding the change or establishment of the district of a precinct, including but not limited to the provisions of Section 17-5-1, et seq Code of Alabama, 1975.

Section 13. (a) The voting list of any territory which is furnished the election officers serving at the voting box or boxes designated for such territory shall contain the names of all qualified electors of the territory on a single roll; however, when the roll contains more than twenty-four hundred names the list of qualified electors shall be divided into alphabetical sections of not more than twenty-four hundred names per section. Except as herein provided, the laws applicable to the preparation, distribution, publication and checking of qualified lists shall apply to the poll list of a territory for which a voting box has been established by the county governing body pursuant to authority hereby conferred.

(b) No elector shall vote at any voting beat and box other than the voting beat and box of the territory of which he is a qualified elector.

Section 14. The county governing body shall determine the number of voting beats and boxes and the location of each box deemed necessary to serve adequately the voters at an election, taking into consideration the nature or character of the election; provided, that during each election there shall be maintained at least one box for each six hundred registered electors, or fraction thereof, residing in

the territory designated as a beat. At least thirty days prior to the time when the election officials for an election are required to be appointed, the county governing body shall in writing inform the officers whose duty it is to appoint said election officials of the boxes which will be maintained in the respective beats during the forthcoming election. The officers whose duty it is to appoint election officials shall appoint four of said officials for each of the respective boxes required to conduct elections as shown in the statement of the county governing body.

Section 15. (a) At each box of each beat, the election officials shall consist of an inspector, a chief clerk and two assistant clerks.

(b) If an election official should be absent from the box at the opening of such box, a substitute election official may be appointed by the chief inspector in charge of the voting center.

(c) The election officials provided for herein shall be appointed by the same officers that appoint other election officials. They shall perform all duties imposed on election officials by the general law.

(d) The assistant clerk in charge of the voting device shall require that each voter sign a poll list when the punch card or other ballot is given to him, which shall contain a serial number, the same as on the paper ballot or ballot card given him. A separate poll list of persons casting challenged votes shall be kept by the officials. The poll list shall be signed or the name of the voter recorded as provided in Section 17-7-15, Code of Alabama 1975.

(e) The inspector shall certify on a statement form furnished with the other election supplies the total number of votes cast on all devices at the voting box and the total number of electors' names recorded on the poll lists at such voting box. Election officials provided for by this act shall be compensated for their services in the same manner and at the same rate provided by law for election officials where voting machines are used.

(f) It shall be the duty of all election officials to see that order is maintained in the polling place. The inspector shall see that the reports required by Section 6 (6) of this act are filled out for each voting device as required by law and delivered to the proper officials, that the records of the election relating to each device are enclosed respectively in each ballot box or other receptacle provided therefor, and that the list of qualified voters, challenged ballots, and one copy of each challenged vote and any other records relating to the election in general are enclosed in an appropriate box or other receptacle.

Section 16. (a) If the governing body of the county or municipality authorizes and provides for the use of the electronic voting

system hereby authorized, then such governing body may, in its discretion, also provide for holding a school of instruction for those who will actually conduct the election at the polling places. If the governing body of the county or the municipality decides to do so, then not less than five days before an election the authority in charge shall cause to be held a school of instruction for those who will actually conduct the election at the polling places. The sheriff shall notify the election officials of the time and place of the holding of such school and shall also publish notice thereof at lease 48 hours before the same is to be held.

(b) No election official shall serve in any election district or at any voting box in which a voting device is used, unless he shall have received such instruction and is fully qualified to perform the duties in connection with the voting device, has received a certificate from the authorized instructor to that effect, and is a qualified voter. This shall not however, prevent the appointment of an uninstructed person as an election official to fill a vacancy among the election officials, and in the event that the governing body does not order the holding of such school of instruction, the appointment of election officials without such school shall be valid.

Section 17. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. All laws or parts of laws which conflict with this act are hereby repealed.

Section 19. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-71 H. 233—Rep. Minus

AN ACT

Relating to Choctaw County; to provide for an additional expense allowance for the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The county coroner of Choctaw County shall be entitled to receive an additional expense allowance in the amount of $175.00 per month paid from the county general fund. Said expense allowance shall be in addition to any and all other compensation,

salary and expense allowances provided for by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-72 H. 234—Rep. Minus

AN ACT

Relating to the Town of Pennington in Choctaw County; to provide further as to who may be appointed to the Pennington Water Works Board.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any authority granted in any state or local act pertaining to the Water Works Board of the Town of Pennington in Choctaw County, the members on said board may reside in any area served by the Pennington Water Works Board, whether it be within or without the city limits of the Town of Pennington, and in addition, the members may be appointed, regardless of their place of residence, who are members of any water authority that purchases water from the Water Works Board of the Town of Pennington.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-73 H. 372—Reps. Roberts, Patton

AN ACT

Relating to Morgan County; amending further Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), creating the Municipal Utilities Board of Decatur, so as to provide further for the auditing procedure of the Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 89, H. 234, Regular Session 1939 (Local Acts 1939, p. 47), is hereby amended to read as follows:

"Section 12. Accountant Expert; Authority of Board to employ; Duties.

"The Board shall cause an audit of its books and accounts to be made at the end of each fiscal year by a certified public accountant or firm of certified public accountants. Upon completion of the examination for a fiscal year, such accountant or firm of accountants shall make a full report of their findings to the Board, in writing, under oath, at the first meeting of the Board after the completion of the report for such fiscal year. A copy shall also be furnished to the governing body of the City of Decatur. For such service, said accountant or firm of accountants shall be paid such reasonable and proper sum as may be agreed upon."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 16, 1982

Time: 12:05 P.M.

Act No. 82-74 H.J.R. 108—Rep. Bennett

HOUSE JOINT RESOLUTION

COMMENDING MR. HENRY E. CRUMPTON ON HIS RETIREMENT

WHEREAS, Mr. Henry E. Crumpton retired from United States Steel Corporation on January 31, 1982 after 33 years of service, and

WHEREAS, Mr. Crumpton has been active in political and community service projects in the Wenonah area of Birmingham for over four decades, and

WHEREAS, He currently serves as president of the Powderly Hills Civic League, which position won for him the Award of Merit in 1965 as the most outstanding civic league president in Jefferson County, and

WHEREAS, He has also served as chairman of the Neighborhood Advisory Council of the Ensley and Fairview Neighborhoods for the Jefferson County Committee on Economic Opportunity for which he received special recognition in 1969 and is now president of both the Citizens Participation Committees for Powderly Neighborhood and the Southwest Community Neighborhood encompassing Mason City, Riley, Jones Valley, Garden Heights and Powderly, and

WHEREAS, Mr. Crumpton, is president of the Southeast Recrea-

.ion Corporation which provides recreational opportunities for more than 530 young people including baseball, football, basketball, tennis, volleyball and all the arts and crafts at Cooper Green Park and Recreation Center, and

WHEREAS, The Lowndes County native is a member of the West End Hills Baptist Church where he has served as chairman of the Board of Deacons and the Board of Trustees and for 18 years was superintendent of the Sunday School, and

WHEREAS, Active on political fronts, Mr. Crumpton is Democratic committeeman for Legislative District 37-6, chief inspector for the box and a member of the Jefferson County and Western Section Democratic Clubs, now therefore be it

RESOLVED, That the Legislature of Alabama, both houses thereof concurring, that it extend appreciation to Mr. Crumpton on his retirement and commend him for four decades of public service to the people of Birmingham, and be it further

RESOLVED, That Mr. Crumpton, and his wife, Mrs. Mattie Louise Crumpton, be urged to continue their public service undertakings involving neighborhood recreation for young people for which they have gained much love and respect from their fellow citizens.

Approved February 17, 1982

Time: 11:00 A.M.

Act No. 82-75 H.J.R. 112—Reps. Cooley, Roberts, Bowling, Patton, Letson

HOUSE JOINT RESOLUTION

COMMENDING MR. JOE R. CRAWFORD OF MORGAN COUNTY, ALABAMA, "CATTLEMAN OF THE YEAR" FOR 1981.

WHEREAS, Mr. Joe R. Crawford, Morgan County, Alabama, has been named "Cattleman of the Year" for 1981, a selection of Alabama Cattleman magazine in recognition of Mr. Crawford's leadership in Alabama's beef cattle industry during his 1981 tenure as president of the Alabama Cattlemen's Association; and

WHEREAS, the association headed by Mr. Crawford is the largest such organization in the nation with more than 15,000 members; and

WHEREAS, Mr. Crawford, during 1981, continued and even further developed the association's programs of beef promotion, research, education and youth activities; and

WHEREAS, a native of Morgan County, Mr. Crawford is a 1960 graduate of the University of Alabama with a degree in industrial engineering and a former civil engineer with the United States Air Force; he has been in the cattle business for the past 13 years and operates a highly successful 500-acre ranch in Morgan County; and

WHEREAS, through the years, he has professionally served the state cattlemen's organization in various capacities of leadership and has been honored as Tennessee Valley Test Demonstration Farmer and Outstanding Young Farmer in 1973; he is a Master Mason, Knight Templar and an active member of the Christian Church and Rotary International; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Joe R. Crawford of Baileyton, Morgan County, Alabama, as 1981 "Cattleman of the Year" and direct that he receive a copy of this resolution, tendered in warm praise and highest regard.

Approved February 17, 1982

Time: 11:00 A.M.

Act No. 82-76 H. 172—Reps. Holley, Ray

AN ACT

Relating to Coffee County; to authorize the county commission to construct a jail or renovate existing property into a jail in New Brockton; to remove any obligation regarding the construction or maintenance of any jail in another locality; to provide who shall use the jail; and to repeal certain conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the legislative intent of this act that the Coffee County Commission may construct a jail or renovate existing property for a jail in New Brockton, Alabama, and that said jail shall be used by both county divisions of the judicial circuit encompassing Coffee County.

Section 2. The Coffee County Commission is hereby authorized to construct a jail or renovate existing property into a jail and maintain said jail in New Brockton. At the time said new jail in New Brockton has been constructed or renovated and is ready for occupancy, any other jail or jails in the county shall cease to function and shall no longer be county jails. This act shall have no effect on city jails. The county commission shall not be obligated to construct or maintain a jail at any other locality within the county. Until the opening of the new jail in New Brockton, the present jails shall continue to function in their present capacity.

Section 3. The jail in New Brockton shall be used to house all persons ordered to jail within the county, regardless of which portion or division of the judicial circuit encompassing Coffee County has jurisdiction of said person.

Section 4. That portion of Act 164, Regular Session 1907, as amended (Acts of 1907, p. 279), which authorizes the construction and maintenance of a jail in Enterprise is hereby repealed. That portion of Act 364, Regular Session 1851, as amended (Acts of 1849-51, p. 454), which authorizes the construction and maintenance of a jail in Elba is hereby repealed. Any other local law which conflicts with the provisions of this act shall be repealed insofar as said act conflicts with this act. If any portion of this section is declared invalid or unconstitutional, then this whole section shall be considered invalid or unconstitutional.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 17, 1982

Time: 11:00 A.M.

Act No. 82-77 H.J.R. 117—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, February 11, 1982, we adjourn to meet again on Tuesday, February 16, 1982.

Approved February 17, 1982

Time: 11:00 A.M.

Act No. 82-78 H. 54—Reps. Brakefield, Bowling

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to authorize the establishment of a consolidated and unified system for the assessment and collection of taxes in Winston County and for the abolition of the offices of tax assessor and tax collector of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of

Alabama of 1901 is proposed, to become a part thereof when approved by a majority of the qualified electors voting thereon as prescribed by law and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may from time to time, by general or local law, provide for the establishment of a consolidated and unified system for the assessment and collection of taxes in Winston County and for the consolidation of the offices of tax assessor and tax collector of such county into one office to be known as the county revenue commissioner and for the abolition of the offices of tax assessor and tax collector of such county.

Unless otherwise provided by law, the revenue commissioner of Winston County shall be charged with the performance of any duty provided by law for the tax assessor and tax collector of Winston County, and his compensation shall be fixed by law. Immediately upon the beginning of the first term of office of revenue commissioner of Winston County, the offices of tax assessor and tax collector shall be abolished.

Section 2. An election upon the proposed amendment is ordered to be held on the first date of the first primary, special or general election held after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House January 19, 1982

Passed the Senate February 16, 1982

Act No. 82-79 S.J.R. 50—Mr. White

SENATE JOINT RESOLUTION

COMMENDING THE JEWISH COMMUNITY CENTER OF

BIRMINGHAM ON THE OCCASION OF ITS 75th ANNIVERSARY OF SERVICE.

WHEREAS, the Jewish Community Center of Birmingham is celebrating its 75th anniversary; and

WHEREAS, the Center serves as a cultural, educational and recreational facility for people of all ages and creeds; and

WHEREAS, the Center provides activities, programs and facilities for the educational, moral, social and physical needs of its members; and

WHEREAS, the Center employs a staff of trained and talented teachers, group workers, physical educators and cultural arts specialists to provide members with opportunities for the development of new talents and skills; and

WHEREAS, the Center offers more than 300 different classes, meetings, activities and events each year not only for the benefit of its more than 5,000 members, but for thousands of other people in the community as well; and

WHEREAS, in serving its cultural role, the Center provides a home for the more than 100-voice Birmingham Civic Chorus, a stage for the actor's company known as the Center Players, and sponsors frequent exhibits by local artists; and

WHEREAS, the Center, with its multitude of programs and activities, evolved over a period of three-quarters of a century, having its beginnings in a rented house and having experienced periods of both progress and stagnation, hope and despair; and

WHEREAS, the Center's very survival and its great success are the result of the work of many dedicated supporters; and

WHEREAS, the Center has become an enduring symbol of unity and strength and occupies a unique place in the Birmingham community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Jewish Community Center of Birmingham, Alabama, expressing our warm praise of its accomplishments and our deep gratitude for the needs served through the Center's community involvement for the past 75 years.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Center in declaration of our high praise and in expression of our fervent hopes for a long continuation of its programs of service.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-80 S.J.R. 54—Mr. Harrison

SENATE JOINT RESOLUTION

NAMING THE BRIDGE ON HIGHWAY 50, SPANNING THE TALLAPOOSA RIVER AT MARTIN DAM AND CONNECTING TALLAPOOSA AND ELMORE COUNTIES, THE "JACK B. VENABLE BRIDGE."

WHEREAS, the old Martin Dam Bridge on Highway 50 across the Tallapoosa River was totally destroyed, its destruction due to wash-outs caused by flood swollen waters; and

WHEREAS, without this vital link, the residents of Elmore and Tallapoosa Counties were required to drive many additional miles to reach once easily accessible destinations via the Martin Dam Bridge; and

WHEREAS, the recently completed replacement for the old bridge was made possible through the acquisition of federal funds which were obtained primarily through the tireless efforts of our colleague Representative Jack Venable of Tallassee, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of and in gratitude to Representative Jack B. Venable, we hereby name and designate the bridge over Highway 50 spanning the Tallapoosa River at Martin Dam and connecting Elmore and Tallapoosa Counties, the "Jack B. Venable Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said bridge as the "Jack B. Venable Bridge."

RESOLVED FURTHER, That a copy of this resolution be provided for our friend, Jack Venable, as a memento of this designation in his honor.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-81 S.J.R. 55—Messrs. Callahan, Bailey, Barron, Britnell, Cook, deGraffenried,

Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. ROBERT B. GEDDIE, JR., ON THE BIRTH OF A DAUGHTER.

WHEREAS, the Alabama Legislature notes with warm congratulations the birth of a beautiful new baby girl to Mr. and Mrs. Robert B. Geddie, Jr., of Montgomery; and

WHEREAS, Mr. Geddie, who is an executive assistant to Governor James, and his lovely wife, the former Susan Davidson, became parents for the first time on January 29, 1982; and

WHEREAS, we indeed share the joy and pleasure of our friends, Susan and Bob Geddie, and sincerely wish for little Mary Alston a long lifetime of happiness, wisdom and good fortune in full measure; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. and Mrs. Robert B. Geddie, Jr., and direct that they receive a copy of this resolution that they may now know, and that Mary Alston may later know, of our sincere warm wishes for her every success in life.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-82 S.J.R. 57—Messrs. Teague, Holmes, Parsons, Keener and Proctor

SENATE JOINT RESOLUTION

COMMENDING JACKSONVILLE STATE UNIVERSITY ON ONE HUNDRED YEARS OF PROGRESS

WHEREAS, The Alabama Legislature created Jacksonville State Normal School by Act Number 252, on February 22, 1883; and

WHEREAS, This State Normal School subsequently became Jacksonville State Teachers College; then, Jacksonville State College and currently is Jacksonville State University; and

WHEREAS, this institution will be one hundred years old on February 22, 1983; and

WHEREAS, Jacksonville State University has made outstanding educational opportunities available to thousands of Alabama's citizens; and

WHEREAS, this body has previously recognized the excellence of Jacksonville State University by commending it and establishing a Memorial highway in its honor;

WHEREAS, the Jacksonville State University Centennial will be celebrated during the 1982-83 academic year,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature, hereby, proclaims the day of February 22, 1983, as Jacksonville State University Centennial Day.

BE IT FURTHER RESOLVED, That we, of the very highest order, commend and congratulate the University, the present and former administration and faculty and graduates for the exceptional, superior and conspicuous progress.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Jacksonville State University President Theron E. Montgomery and its Board of Trustees.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-83 S.J.R. 64—Mr. Teague

SENATE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE COMMITTEE TO COORDINATE ARRANGEMENTS FOR THE FORTHCOMING VISIT OF PRESIDENT REAGAN TO SPEAK BEFORE A JOINT SESSION.

WHEREAS, On March 15, this body will be honored by a visit from our President of the United States, Ronald Reagan; and

WHEREAS, Although we have frequently been blessed by visits from distinguished dignitaries, we have never received the highest-ranking official in the land; and

WHEREAS, Security will be tight, public request for seats are already overwhelming, and it is our wish that the President's visit proceed smoothly; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint legislative committee composed of three (3) members of the Senate, to be appointed by the President of the Senate, and three (3) members of the House, to be appointed by the Speaker of the House, be created to handle arrangements for the impending visit to the Capitol by President Reagan; any question of protocol, seating, security, and other matters concerning the President's visit will be referred to and handled by said Committee.

BE IT FURTHER RESOLVED That the Committee will automatically be dissolved following the President's visit.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-84 S.J.R. 80—Mr. Figures

SENATE JOINT RESOLUTION

AFRICATOWN, U.S.A. FOLK FESTIVAL

WHEREAS, AFRICATOWN, U.S.A. (Prichard and Mobile, Alabama) is the site of the last recorded landing of Africans in the United States, in 1859, for the purpose of slavery; and

WHEREAS, AFRICATOWN, U.S.A. is an area of exceptional significance in American history and culture; and

WHEREAS, The PROGRESSIVE League and the American Ethnic Science Society have completed research which documents the significance of AFRICATOWN to people throughout the world; the Nation; and the State of Alabama; and

WHEREAS, AFRICATOWN, U.S.A. is recognized as the symbolic homeplace of African-American people; and

WHEREAS, The City of Prichard recognizes the importance of this site to our economy, citizens and government;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that February 9 - 23, 1982, and each similar period thereafter shall be celebrated as the period for the AfricaTown Folk Festival as designated by appropriate ordinances and resolutions of the City of Prichard.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to the Mayor of the City of Prichard and the Chairman of the AfricaTown Folk Festival, Inc.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-85 H. 11—Rep. Lewis

AN ACT

Relating to Jefferson County; fixing the salary of the deputy probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, the deputy probate judge of any branch of the probate court shall receive a salary of $24,500.00 per annum. Said salary shall be paid out of the county treasury in equal monthly installments or equal bi-weekly installments.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-86 H. 15—Rep. Dixon

AN ACT

Relating to Montgomery County; authorizing the county commission to make annual grants towards the support of any museum of fine arts located within the county and repealing Act No. 358, S. 354, 1957 Regular Session (Acts 1957, p. 473).

Be It Enacted by the Legislature of Alabama:

Section 1. The Montgomery County Commission is hereby authorized and empowered in its discretion to make annual monetary grants toward the support of any museum of fine arts located within Montgomery County. The amount of the grants may be paid in equal monthly installments from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed and specifically Act No. 358, S. 354, 1957 Regular Session (Acts 1957, p. 473), is hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-87 H. 31—Rep. Waggoner

AN ACT

To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used herein, the following terms have the meanings here given them: "Act No. 497 of 1965" or "said Act" means Act No. 497 of the Legislature of Alabama of 1965, approved on August 20, 1965, which Act established a pension and retirement system for officers and employees of Jefferson County, Alabama, and which Act appears on pages 717 through 739 of the Acts of Alabama of 1965; "the system" means the pension and retirement system established by said Act; "the County Commission" means the County Commission of Jefferson County, Alabama; "the Pension Board" means the pension board established by said Act; "member of the system" means any person who is a member of the system, whether such member retired on a pension or benefit prior to or after the adoption of this Act; "benefit of the system" means any benefit provided for any member of the system or for any person because of such person's relation to a member of the system.

Section 2. Upon and after the adoption of this Act the Pension Board shall be authorized to provide for the increase of benefits of the system, subject to the terms and conditions herein stated below in this Act.

The Pension Board shall not increase any benefit unless prior to such increase the Pension Board has obtained the approval by resolution of the Jefferson County Commission and the written opinion of a competent Actuary to the effect that the funds and assets of the system, the anticipated receipts and liabilities of the system are such that the system will be able to provide for and pay the increase.

Any increase in benefits shall be in accordance with the written

rules and regulations adopted by the Pension Board and approval by resolution of the Jefferson County Commission.

Section 3. Before increasing any benefit the Pension Board shall consider such increase at a public meeting of the Pension Board. Not less than thirty (30) days prior to such meeting the Pension Board shall give written notice to members of the system of the time and place at which the said meeting will be held. At said meeting the Pension Board shall accord any member of the system, or any other interested person, the right to be heard on the subject of the increase in benefits.

Section 4. The Pension Board shall be authorized to change its rules regarding increases in benefits for which the Pension Board provides. Any such change in benefits shall be subject to the conditions which apply to the Pension Board's providing for a change in benefits.

Section 5. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-88 H. 97—Rep. Payne

AN ACT

Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404) shall consist of fifteen members; three designated and twelve appointed members. Within sixty days after the enactment of this act the Jefferson County Commission shall divide the county into six districts with each district containing an approximately equal number of persons residing in unincorporated territory. Such division shall be based upon the most recent federal decennial census and redrawn after each new federal decennial census. After the enactment of this act newly appointed or reappointed members of such commissions shall be appointed so that the county commission shall appoint two members from each district with one such member representing the unincorporated territory of the district

so that at least 50% of the total twelve appointed members shall reside in and represent unincorporated territory. The designated members shall be—one a member of the county commission designated by it; one shall be the county engineer or the county highway engineer; one shall be a member of the county board of health designated by said board; the terms of such designated members shall correspond to their respective official tenures. The terms of appointed members shall be four years, except that the terms of nine of the members first appointed shall be—three for one year—three for two years—three for three years; with all such short first term appointees being eligible for reappointment at the expiration of such one, two, and three year terms. The designated members shall be agreed to and approved by the county commission, and all other members shall be appointed by said county commission. All members of the commission shall serve as such without compensation; and no appointed member shall hold any public elective office. The members of the commission shall be residents of the county. The county commission shall provide for the filling of any vacancy in the membership of the commission for the unexpired terms and for the removal of a member for nonperformance of duty or misconduct.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-89 H. 351—Rep. Rains

AN ACT

Relating to Marshall County; to repeal Act No. 612, H. 1249, 1976 Regular Session (Acts 1976, p. 832), and Act No. 669, S. 705, 1976 Regular Session (Acts 1976, p. 915), relating to the levying of taxes upon malt or brewed beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 612, H. 1249, 1976 Regular Session (Acts 1976, p. 832), and Act No. 669, S. 705, 1976 Regular Session (Acts 1976, p. 915), relating to the levying of taxes upon malt or brewed beverages, is hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming

a law.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-90 H. 363—Rep. Johnson (R.G.)

AN ACT

Relating to Coosa County; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and public driveways under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the public roads, bridges and ferries of Coosa County; and providing that the provisions of this act shall not become effective until approved at a referendum election held for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coosa County commission shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and who shall devote his entire time and attention to the maintenance and construction of the Coosa County public roads, highways, bridges and ferries, and shall, during his employment, reside in Coosa County, Alabama.

Section 2. The county engineer shall be appointed by the county commission from a nomination made by the state highway director. If said nomination is not acceptable to said county commission, the state highway director shall be requested to make additional nominations until an appointment is made.

Section 3. It shall be the duty of the said engineer: (1) to supervise and direct all such assistants employed by the county commission as are necessary to properly maintain and construct the public roads, highways, bridges and ferries of Coosa County, and he shall have authority to prescribe their duties, and to discharge said employees for cause, with the consent of the county commission or when not needed; (2) to perform such engineering and surveying service as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the county highway system; (4) to build, or construct, new public roads, public driveways, or change old public roads, but only when ordered to do so by proper order of the county commission; and (5) it shall be his further duty, insofar as is feasible,

to construct and maintain all county roads on the basis of the county as a unit, without regard to any district or beat lines.

Section 4. The said county engineer is hereby designated as the person authorized to make written requisition upon the duly designated purchasing agency, for all articles, materials, supplies, and equipment necessary for the maintenance and construction of public roads, bridges and ferries in Coosa County.

Section 5. It shall be the duty of the county commission to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of said public roads, highways, bridges and ferries, and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 6. The county commission shall fix the amount of the salary of the said county engineer, payable in equal monthly installments from the Coosa County treasury.

Section 7. The county commission shall furnish the county engineer with an office at the courthouse, or elsewhere at the county seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this Act.

Section 8. The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of Coosa County, and he shall be accountable for the same, at all times. The county commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the county engineer shall keep on files in this office, at all times, an up-to-date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Coosa County.

Section 9. The authority of said county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of public roads, bridges and ferries of Coosa County as may be set aside and appropriated by the county commission, as hereinafter provided; it shall be the duty of said county commission at some meeting in September of each calendar year, or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of Coosa County for the current fiscal year, beginning on October 1, which said amount, other than the salary of said county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges, public driveways, and ferries in Coosa County during said period; provided, however, that said county

commission is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said county engineer during said period, when such authorization will not conflict with provisions of the general law under Section 11-8-3, Code of Alabama 1975. Provided further, that if such funds are presently available, and have not heretofore been set aside by the present county commission of Coosa County, immediately upon the passage of this Act, it shall be the duty of the county commission herein created to set aside a sufficient portion of said funds for the maintenance of said public roads, bridges, public driveways, and ferries until the annual budget is approved for the incoming year in October.

Section 10. The county engineer shall make written requisition to the chairman of the county commission for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance, or repairs of public roads, bridges, public driveways, and ferries of Coosa County. Said requisitions shall be filed and presented by the chairman to the county commission at its next meeting, for the approval of the county commission. Provided, however, that the chairman shall have full power and authority to make said purchases without first obtaining the approval of the whole county commission if the delay caused by the hereinabove procedure, might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system.

Section 11. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment, and supplies, purchased by Coosa County commission for use on public roads, bridges, public driveways, and ferries, when the same is delivered, and the same shall not be accepted and paid for or appealed without its first having been approved by him.

Section 12. It shall be the further duty of the county engineer to inspect, and direct the building of, public driveway approaches on county rights-of-way, upon application of user to the county commission, in order to protect and maintain county roads.

Section 13. It shall be the further duty of each associate member of the county commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the county commission with his recommendations; to advise with the county engineer concerning the problems of his district, particularly; and to assist in securing rights-of-way, and assist in public relations generally.

Section 14. Within 30 days following passage and referendum approval of this Act, the legislative delegation representing Coosa County shall appoint a five (5) member committee to establish the

salary and other benefits for the county commissioners. The committee shall report its recommendations to the county commission and legislative delegation within 30 days following their appointment and the commission shall adopt these recommendations at their next meeting.

Section 15. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. This Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Coosa County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next primary or general election or any other statewide election held after final passage of this Act. Notice of the election shall be given by the judge of probate of Coosa County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law introduced at the 1982 Regular Session of the Legislature providing for a county engineer and for the repair, maintenance and construction of county roads and bridges insofar as is feasible on the basis of the county as a unit, without regard to district or beat lines? Yes () No ()."

If a majority of the votes cast at the election are affirmative votes, this Act shall be in full force and effect immediately thereafter. If a majority of the votes cast are negative, the Act shall have no further effect. The judge of probate of Coosa County shall certify the results of the election to the Secretary of State and to the State Highway Director immediately after the returns have been certified.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-91 H. 364—Rep. Johnson (R.G.)

AN ACT

Relating to Coosa County; to provide that the associate county commissioners shall work on a part-time basis, to be effective only upon the passage and approval of an act passed by the legislature in the 1982 Regular Session and approved by a majority of the electors of Coosa County which places the county on a unit system of road maintenance and provides for a county engineer.

Be It Enacted by the Legislature of Alabama:

Section 1. Associate county commissioners of Coosa County shall work on a part-time basis and shall meet on the second and fourth Tuesday of each month, and as may be required by applicable meeting laws of the state or county.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall become effective: (a) upon its passage and approval by the Governor, or upon its otherwise becoming a law; and (b) upon the passage and approval of an act which places Coosa County on a unit system of road maintenance and provides for a county engineer, which act has been passed at the 1982 Regular Session of the Legislature, and which has been approved by a majority of the electors of Coosa County voting in a referendum election held for such purpose.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-92 H. 53—Reps. Brakefield, Bowling

AN ACT

Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1985, or upon occurrence of a vacancy in either the office of tax assessor or tax collector, there shall be a county revenue commissioner in Winston County. A commissioner shall be elected at the general election in 1984 and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes,

the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county commission shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office, the county revenue commissioner shall receive an annual salary of $_____ payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Winston County are hereby abolished effective the first day of October, 1985, or upon occurrence of a vacancy in the office of tax assessor or tax collector. In the event that the office of tax assessor or tax collector becomes vacant before October 1, 1985, the office of county revenue commissioner shall immediately come into being, and the remaining officer, tax assessor or tax collector, as the case may be, shall immediately assume the duties of the office of county revenue commissioner and shall perform such duties until a county revenue commissioner has been elected and has qualified as provided herein. For the performance of such duties, he shall be entitled to the salary hereinabove prescribed for the county revenue commissioner.

Section 8. It is the purpose of this act to promote the public convenience in Winston County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective upon the ratification and adoption of an amendment to the Constitution of Alabama authorizing such an act, provided that a majority of the qualified electors of Winston County voting in such constitutional amendment election approved the adoption of the amendment. If the vote in Winston County on such amendment is not favorable thereto, then this act shall have no force or effect.

Section 12. The legislature hereby declares that a vote of the qualified electors of Winston County approving the above mentioned constitutional amendment shall be deemed to be the election required by Amendment 255 of the Alabama Constitution of 1901.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-93 H.J.R. 128—Rep. Manley

HOUSE JOINT RESOLUTION

WHEREAS, The Legislature of the State of Alabama is currently faced with the dilemma of adequate funding of existing state education programs; and

WHEREAS, President Ronald Reagan has asked the United States Congress to withdraw $37 million in federal elementary and secondary education funds appropriated for Alabama for school year 1982-83; and

WHEREAS, President Reagan has requested an appropriation for school year 1983-84 that would reduce Alabama's elementary and secondary education funds by $54 million; and

WHEREAS, President Reagan has recommended a program entitled "New Federalism" to the United States Congress; and

WHEREAS, The "New Federalism" program would severely limit funds available for education programs in Alabama, including Voca-

tional Rehabilitation; Vocational Education; Adult Basic Education; Education; Education Consolidation and Improvement Act (ECIA), Chapter 2; and Child Nutrition; and

WHEREAS, Alabama would be the second largest loser if the "New Federalism" plan is adopted; and

WHEREAS, The shift in support for public elementary and secondary education programs could cost Alabama as much as $150 million annually; and

WHEREAS, The assistance received from the federal level by Alabama has been important in assisting our State in public education, and the discontinuation of these funds could prove to be detrimental to our children should the State not be able to replace them; and

WHEREAS, the Legislature of Alabama will be directly involved in efforts to replace lost federal funds:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, That a special conference be called by the Office of the State Superintendent of Education to investigate and study "New Federalism" and President Reagan's budget proposal in order to determine their effects on education for the State of Alabama; and

BE IT FURTHER RESOLVED That the Governor, Lieutenant Governor, Speaker of the House, Chairmen of the Senate Finance and Taxation Committee and Education Committee, Chairmen of the House Ways and Means Committee and Education Committee meet with the State Superintendent of Education, other education leaders, Alabama's Congressional Delegation, and representatives of President Reagan in order to study budget cuts and President Reagan's "New Federalism" proposal; and

BE IT FURTHER RESOLVED That staff personnel of the above named conference participants be involved in preliminary conferences to prepare for the conference; and

BE IT FURTHER RESOLVED That the said conference participants be prepared to make recommendations to the Alabama Legislature, the United States Congress, and the Administration regarding further budget cuts and "New Federalism."

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-94 H.J.R. 132—Reps. Lewis, Howard, Payne,

Amari, Smith (C), Boles, Biddle, Bennett, Buskey, Cheatwood, Cobb, Crow, Daniels, Escott, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Holmes, Horn, Jackson, McMillan, Nevett, Owens, Ray, Riddick, Sasser, Trammell, Tucker, Waggoner, Ward, Willis

HOUSE JOINT RESOLUTION

COMMENDING DR. CHARLES L. PAYNE, 1982 PRESIDENT OF THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS.

WHEREAS, the Alabama Legislature, in utmost commendation, notes the election of Dr. Charles L. Payne, President of Bessemer State Technical College, to head the Southern Association of Colleges and Schools, an organization of more than 10,000 accredited elementary, secondary, occupational and collegiate institutions; and

WHEREAS, Dr. Payne's recent installation marked only the second time in the 86-year history of the association that a professional vocational educator has been named to the presidency; and

WHEREAS, primarily concerned with the processes of peer evaluation and accreditation, the Southern Association of Colleges and Schools serves both public and private institutions at all levels in 11 Sun Belt states; and

WHEREAS, Dr. Payne, eminently qualified to serve as SACS president, is a past vice chairman of the Commission on Occupational Education Institutions, member of the executive committee of SACS, president of the Alabama Technical College Presidents Association, and is a member of the executive committee of the Alabama Commission on Higher Education, and of numerous other professional organizations which he has served in various capacities of leadership; and

WHEREAS, in further commitment of service to others, Dr. Payne is a past member of the board of directors of the Bessemer Chamber of Commerce, the Rotary Club, Carraway Medical Center and the Bessemer YMCA: he also is a member and deacon in the Bessemer First Presbyterian Church, a member of Bessemer Lodge 458 F.A.M.—32nd degree Scottish Rite, and was named as an Outstanding Young Man by the Jaycees in 1972 and 1973; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly

commend Dr. Charles L. Payne as one of our state's most outstanding educators and as the president for 1982 of the Southern Association of Colleges and Schools, a signal honor indeed.

BE IT FURTHER RESOLVED, That Dr. Payne receive a copy of this resolution, tendered in declaration of our utmost praise and warm regard.

Approved February 23, 1982

Time: 11:30 A.M.

Act No. 82-95 H. 237—Rep. Bowling

AN ACT

To repeal Act No. 81-1084, H. 68 of the 1981 Third Special Session, which proposes a constitutional amendment providing the county governing body of Winston County may provide for forest fire protection by levying a tax on lands on other than an ad valorem basis; and to specifically provide for legislative intent.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 81-1084, H. 68 of the 1981 Third Special Session, entitled, "An Act To propose an amendment to the Constitution to provide that the legislature may by local law, authorize the county governing body of Winston to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof, by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments," is hereby specifically repealed.

Section 2. It is the specific intent of the legislature by passage of this Act to repeal said Act No. 81-1084, H. 68 of the 1981 Third Special Session and to withdraw the submission of the constitutional amendment to the electorate for ratification.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1982

Time: 10:30 A.M.

Act No. 82-96 H. 473—Reps. Reed, Ray

AN ACT

Proposing an amendment to the Constitution of Alabama 1901, further providing for the membership and authority of the Bullock County Development Authority; authorizing said authority to develop, manage and maintain county jail facilities and other county buildings; validating certain provisions of Act No. 81-838 of the 1981 Regular Session; limiting the amount and duration of the jail and county building taxes authorized by said Act or by Act No. 81-1028 of the 1981 Second Special Session and providing for the state revenue department to collect certain county industrial taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the governor:

PROPOSED AMENDMENT

As used in this amendment, "the authority" means the Bullock County Development Authority authorized and established pursuant to Amendment 128 to this Constitution; "board" means the governing body of the authority; "member" means an appointed member of the board of the authority; "commission" means the Bullock County Commission; "jail and county buildings" means the Bullock County jail or other facility for holding prisoners and shall include any building owned and constructed by the county or building authority and occupied by a county, state or federal government agency or entity; "building authority" means the entity established or to be established to manage the construction, financing and maintenance of said facilities; and "industrial tax" means the tax authorized and imposed under the authority of Amendment 128 of this Constitution.

The authority authorized, established and incorporated pursuant to Amendment No. 128 of this constitution is hereby granted continuing and permanent status. The membership of the authority is hereby fixed at seven (7). Each board member of the authority shall serve a term of six (6) years and shall not serve more than two consecutive terms; provided however, that a board member shall continue to serve until a successor is appointed. When a vacancy occurs or upon expiration of a term of a board member, the members of the board shall nominate three reputable citizens interested in county development and present the same to the commission which by majority vote shall appoint one of the nominees to the board. If the commission fails to appoint one of the original nominees, the board shall nominate three additional citizens in accordance with the afore-

mentioned procedure. If the commission fails to appoint one of the six nominees, then the board shall continue to submit nominees according to the aforementioned procedure until the commission appoints a member.

All expenditures, bids and contracts shall be in the name and under authority of the authority. Provided, however, no industrial tax funds shall hereafter be expended without the approval of the county commission. The authority may expend funds for educational and health purposes and to enhance or develop other resources for the purpose of attracting industry to Bullock County. The authority may expend or appropriate not more than one-half of the industrial tax revenues, not heretofore committed for debt service, bond retirement or other debt repayment, for the purpose of constructing and maintaining a county jail or other county buildings, or for educational purposes, provided that such expenditures shall not impair the debts of the authority and shall not be pledged to secure debts incurred for construction or maintenance or any other purposes except those provided for in this amendment or in Amendment 128 to this Constitution.

Act No. 81-838, H. 1122, of the 1981 Regular Session is hereby validated and declared to be fully effective according to its scope and tenor notwithstanding either any unconstitutional delegation of legislative authority by said act or the effective date of said act. The tax authorized by said Act or by Act No. 81-1028, H. 65, of the 1981 Second Special Session, if approved by referendum, and any other tax for jail or county building construction authorized by any act of the legislature in the 1981 or 1982 regular or special sessions shall not exceed one-half of one percent and such tax shall be imposed only so long as the original indebtedness for such construction is paid.

The tax authorized and permitted by Sections 40-12-4 through 40-12-8 of the Code of Alabama 1975 for educational purposes is hereby fixed at one-half of one percent in Bullock County. Provided, however, the commission may levy an additional one-half of one percent tax as provided by the aforementioned code section if the county board of education revenues fall below 1980-81 levels from all sources including funding provided by the authority. The industrial tax is hereby declared to parallel the state sales and use taxes and such tax shall be collected by the Alabama department of revenue.

Any changes in taxes or actions required by this amendment shall be accomplished in no less than ninety days from the ratification date of this amendment.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding

the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House February 16, 1982

Passed the Senate February 25, 1982

Act No. 82-97 H.J.R. 152—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, February 25, 1982, we adjourn to meet again on Tuesday, March 2; when we adjourn on Tuesday, March 2, we adjourn to meet again on Thursday, March 4; when we adjourn on Thursday, March 4, we adjourn to meet again on Monday, March 15; when we adjourn on Monday, March 15, we adjourn to meet again on Tuesday, March 16; and when we adjourn on Tuesday, March 16, we adjourn to meet again on Thursday, March 18, 1982.

Approved March 2, 1982

Time: 3:30 P.M.

Act No. 82-98 H.J.R. 90—Reps. Willis, Boles

HOUSE JOINT RESOLUTION

MEMORIALIZING CONGRESS TO REPEAL THE FEDERAL RESERVE ACT.

WHEREAS, the state of Alabama has a duty to support and defend the Constitution of the United States against all enemies, foreign and domestic; and

WHEREAS, the Constitution vests in the Congress of the United

States supreme power "to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures"; and

WHEREAS, the Congress passed the Federal Reserve Act in 1913 "... to furnish an elastic currency," and thereby abdicated its duty to the American people to fix a constant lawful value for United States money and thus insure prosperity for honest, law-abiding, productive citizens; and

WHEREAS, the national debt in 1913 was less than TWO BILLION DOLLARS for the entire Nation, while the national debt in 1981 approximates ONE TRILLION DOLLARS; and

WHEREAS, the people of Alabama are suffering the disastrous effects of bankruptcy, unemployment, and privation, when they are ready, willing and able to work for an honest living, but many find themselves unable to do so, for lack of available jobs or capital; and

WHEREAS, the direct effect of the dictatorial control of interest rates exercised by the Board of Governors of the Federal Reserve System has been steeply accelerating and inflationary interest charges, with the consequent and predictable destruction of business, agriculture and industry in Alabama and the Nation; and

WHEREAS, the Federal Reserve Act, Section 19, specifically precludes the State of Alabama from effectively legislating or enacting any lawful ceiling on the extortionate interest rates or usury demanded of our people by the Federal Reserve bankers, thereby immunizing the banks and bankers from any threat of civil or criminal penalty on account of their extortionate monetary demands; and

WHEREAS, the direct effect of the Federal Reserve Act, as amended, is to lay an interest charge upon every single dollar of paper currency which circulates in our State and Nation as a Federal Reserve Note, and it thereby lays an invisible burden on uncontrolled and uncontrollable debt and taxes upon the backs of our people; and

WHEREAS, the United States Government owns no stock in the Federal Reserve System, and the Federal Reserve is not a government agency, and is, in fact, an oppressive and extortionate, privately owned economic monopoly, entirely independent of any real governmental control, except by means of direct legislative action and intervention by the Congress, which established the Federal Reserve in the first place; and

WHEREAS, Section 30 of the Federal Reserve Act provides that "The right to amend, alter or repeal this Act is expressly reserved"; and

WHEREAS, the Honorable Henry Gonzales, United States Con-

gressman from the State of Texas has introduced a Bill, H.R. 4358, in the United States Congress, expressly providing for the immediate repeal of the Federal Reserve Act; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby memorializes the Congress of the United States, and especially Alabama's Congressional Delegation, both Senate and House of Representatives, for the immediate passage of this important legislation, H.R. 4358, to the end that peace and prosperity, and the blessings of a Sovereign God may be the lot of our people.

RESOLVED FURTHER, That a copy of the resolution be sent to each member of the Alabama Congressional Delegation and to each presiding officer of the United State Congress.

Approved March 2, 1982

Time: 3:30 P.M.

Act No. 82-99 H. 79—Reps. Gafford, Waggoner

AN ACT

To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission and the two associate County Commissioners; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to Jefferson County and to no other county.

Section 2. As used herein these terms have the meanings hereby given them: "County" means Jefferson County; "County Commission" means the County Commission of Jefferson County, Alabama.

Section 3. Commencing at the next term of office, and commencing at the beginning date of each successive term of officer thereafter, the annual salary of the President of the County Commission is hereby fixed at $50,000.00.

Section 4. Commencing at the next term of office and commencing at the beginning date of each successive term of officer thereafter, the annual salary of each of the two associate County Commissioners of the County Commission are hereby fixed at an amount which is Five Hundred Dollars ($500.00) less than the annual

salary of the President of the County Commission.

Section 5. All salaries provided for in this Act shall be paid in the manner and at such times as County employees are paid.

Section 6. The annual salary of the President of the County Commission and the annual salary of the two associate County Commissioners now in effect shall remain the same until the expiration of the present terms of their respective offices.

Section 7. All laws or parts of laws, whether general, local or special, in conflict with any part of this Act are hereby repealed to the extent of any such conflict.

Section 8. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not affect the remaining parts.

Section 9. This Act shall become effective upon its approval by the Governor or on its otherwise becoming a law.

Approved March 2, 1982

Time: 3:30 P.M.

Act No. 82-100 S. 328—Mr. Weeks

AN ACT

To propose an amendment to the Constitution of Alabama to authorize the Legislature to provide for the levy and collection of an additional ten mill ad valorem tax in Macon County for public education purposes provided such tax is approved by a majority of the qualified electors of the county who vote thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution, when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

The Legislature may authorize the levy and collection of a ten mill ad valorem tax in Macon County, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, on real and personal property that is subject to such tax under the laws of this state, for public education purposes.

The tax authorized by this amendment shall not be levied in Macon County until it is approved by a vote of the electorate of said county or unless a majority of the qualified electors of Macon

County who vote at the statewide election called for the submission of this amendment shall approve it.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the Senate February 23, 1982

Passed the House March 2, 1982

Act No. 82-101 S.J.R. 53—Messrs. Lemaster, Martin, Holmes, Denton, Britnell, Cook, Harrison, Proctor, Gulledge, Goodwin, Figures, Hall, Hilliard, Vacca, Robertson, Miller, Glass, McDonald, Mitchem, Kirkland, Higginbotham, Callahan, Taylor and Keener

SENATE JOINT RESOLUTION

REQUESTING MR. FRANKLIN JAMES, DIRECTOR OF THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS, TO CALL AN IMMEDIATE HALT TO THE CLOSING OF STATE EMPLOYMENT SERVICE OFFICES AND/OR UNEMPLOYMENT COMPENSATION CLAIMS OFFICES, AND TO RE-OPEN THOSE THAT HAVE ALREADY BEEN CLOSED.

WHEREAS, during a time of highest unemployment in Alabama in recent history, the Alabama Department of Industrial Relations, rather than expanding its services for those in need, is closing a number of offices statewide and combining services in other locales; and

WHEREAS, to date, ten employment service offices have already been closed or are scheduled to be closed by February 28; in

addition, approximately 16 itinerant points of service will no longer be scheduled and in four cities—Anniston, Birmingham, Huntsville and Scottsboro—Unemployment Claims and Employment Services Offices are to be combined; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most urgently request Mr. Franklin James in his capacity and authority as Director of the Alabama Department of Industrial Relations, to re-open where possible those employment offices and itinerant points already closed and to abort any plans for curtailing services through future closings or by combining offices.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to advise Mr. James, by copy of this resolution, of our request and of our sincere desire for his compliance.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-102 H. 167—Reps. Smith (J), Coburn, Naramore, Turnham, Cosby, Mitchell

AN ACT

To provide that a fiscal note be attached to all general bills and resolutions creating, eliminating or affecting in any way, a state or local program, service or function and which thereby requires the expenditure of county funds or municipal funds; to establish certain requirements for said fiscal notes; and to establish certain requirements in relation to information needed by the Director of the Legislative Fiscal Office to fulfill duties and functions which are required of him under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Every general bill or resolution creating, eliminating or affecting in any way, a state or local program, service, function or revenue source and which thereby requires the expenditure of county or municipal funds or thereby decreases or increases revenue collections by any county or municipality shall, before any vote is taken thereon in the Senate or House of Representatives, have endorsed thereon or attached thereto an estimate made by the Director of the Legislative Fiscal Office of the amount of money involved therein, and the anticipated increase in county or municipal spending or the decrease in county or municipal revenue collections under the provisions of the bill or resolution. In the event that insufficient data is available to formulate an estimate of the amount

of money involved therein, the Director shall note such fact on such endorsement or attachment which shall constitute compliance herewith.

Section 2. The fiscal note provided under this Act shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any bill or resolution on second reading not having a fiscal note affixed thereto shall be recommitted to the committee in the house to which it was referred upon introduction.

Section 3. The Director of the Legislative Fiscal Office is authorized to secure information, data, estimates and statistics directly from the employees and officials of the various departments, agencies, institutions, establishments, boards and commissions of the county and municipal governments of the State which is necessary for the Director to fulfill the duties and functions imposed upon him by this Act. Said employees and officials of all such departments, agencies, institutions, establishments, boards and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions which are required by this Act.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration does not affect the part which remains.

Section 6. This Act shall become effective January 1, 1983.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-103 H.J.R. 120—Reps. Naramore, Brakefield

HOUSE JOINT RESOLUTION

COMMENDING MRS. RUTH ROMINE TEAFORD OF WALKER COUNTY'S CURRY HIGH SCHOOL, ALABAMA'S TEACHER OF THE YEAR.

WHEREAS, the Alabama Legislature is pleased to note the selection of Mrs. Ruth Romine Teaford as Alabama's Teacher of the Year by the State Department of Education; and

WHEREAS, Mrs. Teaford, who was submitted as an applicant by the Walker County school system, competed with other applicants,

statewide, whose portfolios were reviewed by representatives of the State Department of Education; and

WHEREAS, Mrs. Teaford was then named Teacher of the Year on the basis of total points awarded in categories which included philosophy of teaching, professional development and educational and civic services, among others; and

WHEREAS, a teacher of secondary reading and language arts, Mrs. Teaford taught at Townley Junior High School, also in Walker County, prior to her association this year with Curry High School; she further is a published author as well as a journalist whose articles are featured in the Daily Mountain Eagle; and

WHEREAS, in addition to this most recent honor sponsored by the Council of Chief State School Officers, Good Housekeeping magazine, Encyclopaedia Britannica Companies and Southern Educators Life Insurance Company, Mrs. Teaford is a 1980 "Favorite Teacher of Alabama," a 1981 finalist in the "Teacher Hall of Fame" and is also Walker County's 1981 "Woman of Achievement"; she is a graduate of Walker College, and the University of Alabama with a B.S. Degree, two M.A. Degrees and an Advanced Professional Diploma; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mrs. Ruth Romine Teaford as Alabama's "Teacher of the Year" and direct that she receive a copy of this resolution in token of our warm praise and regard, with copies also provided for Walker County Schools Superintendent John T. Brown and Curry High School Principal Benny S. Rowe.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-104 H.J.R. 121—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING MS. RUTH ANN ATWELL OF BUTLER, ALABAMA ON HER CAREER AS A LEGAL SECRETARY.

WHEREAS, The Alabama Legislature notes that Ruth Ann Atwell of Butler in Choctaw County has been a highly valued and extremely able secretary in the legal profession for over nine years; and

WHEREAS, during this period, she has earned the devoted respect of all with whom she came in contact; and

WHEREAS, Ms. Atwell has served the legal community of Choctaw County and the First Judicial Circuit faithfully and with the highest degree of integrity, loyalty and competency; and

WHEREAS, we further note with sadness and regret that circumstances necessitate that she move to another area of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Ruth Ann Atwell on her prestigious career in the legal profession and wish her continued success in all future endeavors.

BE IT FURTHER RESOLVED, That Ruth Ann Atwell receive a copy of this resolution that she may be aware of our sincere praise and high regard.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-105 H.J.R. 141—Reps. Seibels, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey,

Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby.

HOUSE JOINT RESOLUTION

NOTING THE ELECTION OF COACH JAMES RALPH JORDAN TO THE NATIONAL FOOTBALL FOUNDATION'S COLLEGE FOOTBALL HALL OF FAME.

WHEREAS, in shared pride and pleasure with all Alabamians, the Legislature of Alabama notes the posthumous election of Auburn University's beloved Ralph "Shug" Jordan to the National Football Foundation's College Football Hall of Fame; and

WHEREAS, Alabama's legendary "Gentleman Coach," who retired in 1975 as Auburn's head football coach for 25 years, compiled an enviable career record of 175-83-7, and was ranked fourth in the nation in winning percentage among active college coaches at the time of his retirement; and

WHEREAS, a four-time selection as SEC Coach of the Year, Shug Jordan also had been named Coach of the Year by the Washington Touchdown Club and was a Charter Member of the Alabama Sports Hall of Fame; and

WHEREAS, in 25 seasons at Auburn, Coach Jordan's teams participated in thirteen post-season bowl games and his 1957 team, ranked Number One in the Nation, provided Alabama with its first Associated Press National Championship; and

WHEREAS, it is the consensus of this body that the memory of Coach Ralph "Shug" Jordan has been befittingly perpetuated through inclusion of membership in the prestigious National Football Foundation's College Football Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby publicly and officially note, with great pride, the election of Alabama's own James Ralph Jordan to the College Football Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Jordan's family to be included among notabilia of one of our state's most outstanding citizens.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-106 H.J.R. 144—Reps. Willis, Campbell, Venable

HOUSE JOINT RESOLUTION

COMMENDING MR. CECIL WEATHERBEE, VETERAN ALABAMA NEWSPAPERMAN.

WHEREAS, Mr. Cecil Weatherbee, a native Alabamian and former Public Safety Commissioner in Gadsden from 1954 until 1958, has been involved in the newspaper business for more than fifty years and for the past 20 years has served as publisher of The Piedmont Journal in Piedmont, Calhoun County, Alabama; and

WHEREAS, during these past two decades, under the leadership of Mr. Weatherbee, the circulation of The Piedmont Journal has more than quadrupled, attributable to the improved coverage of the paper and to its support for and involvement in the development and growth of the Piedmont area; and

WHEREAS, Mr. Weatherbee, during his tenure as publisher, has also served in various capacities in numerous of his community's activities, including service as City Recorder, Chairman of the local UGF and president of the Business and Professional Men's Association; and

WHEREAS, on March 31, 1982, Mr. Weatherbee will become the first Marketing Director and Consultant of The Piedmont Independent, a new publication in North Calhoun County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Cecil Weatherbee of Piedmont, Alabama, as one of Alabama's most prominent and longtime newspapermen; we further wish him every continued success with The Piedmont Independent and direct that he receive a copy of this resolution evidencing our sincere warm praise and high regard.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-107 H.J.R. 146—Reps. Parker, Smith (C), Johnson (Roy), Barton

HOUSE JOINT RESOLUTION

DESIGNATING MAY 2 THROUGH MAY 9, 1982, AS ALABAMA ALCOHOL AWARENESS-MARRIAGE AND FAMILY WEEK IN ALABAMA.

WHEREAS, the observance of the traditional Mother's Day has been expanded on the national level to include Marriage and Family Week and it seems appropriate that the week culminating with Mother's Day also be designated as "Alabama Alcohol Awareness Week"; and

WHEREAS, the major factor resulting in family problems is related to the use of alcoholic beverage, and it is significant that a great portion of all alcohol purchased is by the bottle and much of it for home consumption; and

WHEREAS, family members suffer from youthful fatalities occuring on the streets and highways of Alabama which in large measure are attributed to the consumption of alcohol, and much of child abuse has been related thereto; and

WHEREAS, the Fetal Alcohol Syndrome (FAS) is known to produce mentally and physically handicapped children; and

WHEREAS, Alcohol is an addictive drug and its social use is increasing rapidly, with an estimated fifteen million alcoholic-problem drinkers in America today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Marriage and Family Week, May 2-9, 1982, also be designated "Alabama Alcohol Awareness Week," in recognition of the potential for family disharmony and personal injury resulting from the social use of alcohol.

BE IT FURTHER RESOLVED, That each family be encouraged to consider the joy and benefits of a drink-free life style.

RESOLVED FURTHER, That a suitably prepared copy of this resolution be transmitted to the Alabama Citizens Action Program (ALCAP).

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-108 H.J.R. 153—Rep. Coburn

HOUSE JOINT RESOLUTION

COMMENDING REPRESENTATIVE BOB GAFFORD FOR HIS OUTSTANDING ABILITY AS A PARLIAMENTARIAN AND FOR HIS ABILITY TO RECOGNIZE AND HELP SOLVE COMPLEX CONSTITUTIONAL QUESTIONS.

WHEREAS, our colleague, Representative Bob Gafford, has a

much deserved reputation for being an astute and able parliamentarian in this Legislature; and

WHEREAS, all who have crossed swords with him on legislative matters are quick to learn of his intellect and masterful use of the rules and procedures of this legislative body; and

WHEREAS, this body has recently been reminded of his ability to recognize and help solve complex constitutional questions when he single-handedly filed a suit in the courts of this State and received an opinion from the Supreme Court of Alabama declaring the "Budget Isolation Act" completely unconstitutional; and

WHEREAS, this body wishes to recognize and honor the unique ability of our colleague in legislative matters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend our colleague and brother legislator, Representative Bob Gafford, on his outstanding ability as a parliamentarian and for his ability to recognize and help solve complex constitutional questions facing this legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be distributed by the Clerk of the House to all news media, and particularly to the Birmingham News and Birmingham Post Herald.

BE IT FURTHER RESOLVED, That the Clerk of the House present a copy of this resolution to our esteemed colleague, Representative Bob Gafford, as a token of the respect with which he is held by his fellow members.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-109 H.J.R. 162—Rep. Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING MAPLESVILLE HIGH SCHOOL ON ITS OUTSTANDING BASKETBALL SEASON.

WHEREAS, the Alabama Legislature notes with commendation the outstanding basketball season of the Maplesville High School Red Devils; and

WHEREAS, led to a regular season 20-2 record by 4th-year Head Coach Bobby Hathcock and Assistant Coach Billy Collins, the Red Devils next handled Area 8 rivals, Verbena and Fayetteville, to down

Thorsby, 59-40, for the area championship; and

WHEREAS, Coach Hathcock's Red Devils then captured the Region 4 title by virtue of a 60-56 victory over Montgomery Academy and, with it, a berth in the Alabama High School Athletic Association's Basketball Tournament, the first time since 1963 for a Class A team from Chilton County to participate in the state tournament; and

WHEREAS, the Maplesville Red Devils responsible for such an outstanding season are: Tommy Agee, Tim Wilson, Tim Morrow, Fred Wilson, Daryl Price, Calvin Morrow, Burton Huff, John Andrews, Cleo Laister, David Nix, Miles Latham and Melvin Green; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both highly commend and congratulate Coaches Hathcock and Collins and the Maplesville High School Red Devils on their outstanding basketball season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Hathcock, on behalf of Coach Collins and the Champion Red Devils, and to Principal George Walker for appropriate school display.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-110 S. 318—Mr. Kirkland

AN ACT

Relating to Escambia County; prescribing the qualifications and compensation for the office of coroner; providing for the appointment of a deputy coroner; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Escambia County, no person shall be eligible for election to the office of coroner or be qualified to serve therein unless he is authorized lawfully to engage in the profession or occupation of physician or surgeon, or be a graduate of an accredited college of mortuary science, or a registered nurse (RN), or a person who holds a certificate from a four-year college showing that he is a graduate thereof with specialization in science.

Section 2. The coroner shall appoint the deputy coroner and he will have the same privileges and authority as the coroner. The deputy coroner shall serve at the pleasure of the coroner. The coroner and the deputy coroner shall reside in Escambia County.

Section 3. Both the coroner and deputy coroner, each shall receive an expense allowance of not less than three hundred ($300.00) per month.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed and specifically Act No. 44, H. 29, 1963 Regular Session, (Acts 1963, p. 427), Act No. 66, S. 359, 1971 Regular Session, (Acts 1971, p. 329), Act No. 2186, H. 2761, 1971 Regular Session, (Acts 1971, p. 3500), and Act No. 738, H. 1294, 1976 Regular Session, (Acts 1976, p. 1019) are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-111 H. 482—Rep. Cobb

AN ACT

Relating to Marion County; to repeal Act No. 146, H. 416, 1963 Regular Session, which act prohibits the issuance of licenses to money lenders in Marion County under the Small Loan Act (Act No. 374, H. 102, Regular Session 1959; Sections 5-18-1 through 5-18-24, Code of Alabama 1975).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 146, H. 416, 1963 Regular Session (Acts of Alabama 1963, p. 521), relating to certain banking practices in Marion County is hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-112 H. 488—Rep. Gilmer

AN ACT

Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty to any resident of Lamar County on certain beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system; to prescribe punishment for any person found guilty of falsely making claim for a bounty; and to repeal Act No. 81-629, H. 873, 1981 Regular Session (Acts 1981, p. 1046).

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Lamar County shall establish a special beaver fund in the county treasury with an initial deposit of $5,000.00 from the county general fund. Said beaver fund shall be used to pay bounties to any resident of the county in the amount of $10.00 per beaver that is freshly trapped or killed in Lamar County.

Section 2. The payment of a bounty of $10.00 per beaver shall be administered by the senior state conservation officer assigned to Lamar County, who must give an annual accounting and report to the county governing body on the beaver-bounty program in Lamar County. Bounties shall be paid only upon the written authorization of said conservation officer.

Section 3. All claims for bounties must be filed with a conservation officer assigned to Lamar County and the conservation officer shall have due reason to believe that the claimant is a resident of Lamar County and that the beaver trapped or killed were freshly trapped or killed in Lamar County.

Section 4. The conservation officer shall have absolute discretion in paying the bounty provided for in this act and his decision shall be final. Provided, however, any person who falsely makes claim for a bounty is guilty of a Class C felony and, upon conviction, shall be punished as prescribed by law.

Section 5. The county commission shall appropriate such sums annually at the beginning of the fiscal year as shall start the beaver-bounty fund off with $5,000.00 annually.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed, and specifically Act No. 81-629, H. 873, 1981 Regular Session (Acts 1981, p. 1046), is hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-113 H. 505—Reps. Smith (J), Carter

AN ACT

Relating to Limestone County; providing for the county governing body to reimburse the office of license commissioner, probate judge or tax collector for any

monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Limestone County governing body shall reimburse the office of license commissioner, probate judge or tax collector from the general fund of the county the amount of any monetary loss, not to exceed a total of one-thousand dollars ($1,000.00) per annum, arising or caused by error, if the mistake or omission was caused without their personal knowledge, including loss arising from acceptance of worthless or forged checks, drafts, money orders or other written orders for money or its equivalent.

Section 2. It shall be the duty of the license commissioner, probate judge or tax collector to insure that their employees exercise due care in performing their duties and to make a diligent effort to correct the error, mistake or omission and collect the amount subject to potential loss immediately upon becoming aware of the potential loss. This act shall not apply to any deliberate misuse or misappropriation of funds by said official or any clerk or employee of their office.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-114 H. 522—Rep. Gilmer

AN ACT

Relating to Lamar County; providing for the amount of compensation and expenses to be paid members of the jury commission, board of equalization and the board of registrars; and repealing Act No. 81-191, 1981 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Lamar County jury commission shall be paid an amount of compensation by the county so that

the combined state and county compensation shall total $25.00 per meeting day. This amount and the amount provided in Section 4 of this Act shall be the total compensation paid by the county and shall be in lieu of any prior salary, compensation or expense allowance previously paid.

Section 2. The members of Lamar County board of equalization shall be paid an amount of compensation by the county so that the combined state and county compensation shall total $25.00 per meeting day. This amount and the amount provided in Section 4 of this Act shall be the total compensation paid by the county and shall be in lieu of any prior salary, compensation or expense allowance previously paid.

Section 3. The members of Lamar County board of registrars shall be paid an amount of compensation by the county so that the combined state and county compensation shall total $25.00 per meeting day. This amount and the amount provided in Section 4 of this Act shall be the total compensation paid by the county and shall be in lieu of any prior salary, compensation or expense allowance previously paid.

Section 4. The members of the Lamar County jury commission, the Lamar County board of equalization and the Lamar County board of registrars shall be entitled to mileage at the same rate as state employees when in the performance of their official duties within the county. Said members shall also receive the same travel expenses and per diem as received by state employees for travel in or out of state for educational or training purposes when said travel has been approved by the county commission.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed and Act No. 81-191, 1981 Regular Session (Acts of 1981, page 226), is hereby specifically repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-115 H.J.R. 167—Reps. Carothers, Grimsley, Williams, Daniels

HOUSE JOINT RESOLUTION

CONGRATULATING THE 1981 STATE 4A FOOTBALL CHAMPIONS, DOTHAN'S NORTHVIEW HIGH SCHOOL COUGARS.

WHEREAS, the Alabama Legislature, in utmost commendation, extends heartiest congratulations to the 1981 State 4A Football Champions of Northview High School, Dothan, Alabama; and

WHEREAS, ending the season with a spectacular 9-1 record, the Cougars claimed the crown with playoff victories over Murphy of Mobile, Foley High School and Jefferson Davis of Montgomery, followed by a 7-6 win over Carver of Birmingham in the finals; and

WHEREAS, Head Coach Harry Wayne Parrish and his talented assistants, Coaches Jerry Andrews, Rick Cleveland, Floyd Griffin, Randy Hicks, Bubba Johnson and Donald Tribue, and Trainer Wayne McCaskey all are to be most highly commended for directing their team to such a tremendous season and the State Title for Northview High; and

WHEREAS, with every game played in the spirit and tradition of good sportsmanship and fair play, each member of the team is to be praised for his integral part in achieving this coveted goal, even enviable in the light of the formidable opposition faced on the gridiron by the Cougars during the season and in the playoffs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Cougars of Dothan's Northview High School as State 4A Champions, 1981.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Harry Wayne Parrish on behalf of his staff and his Cougar Champions, with a copy also provided for appropriate school display.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-116 H.J.R. 173—Reps. Edwards, Grouby, Cates

HOUSE JOINT RESOLUTION

COMMENDING MRS. HAROLD PATE OF PATE CHAROLAIS RANCH, BURKVILLE, ALABAMA, 1982 PRESIDENT OF THE ALABAMA COWBELLES ASSOCIATION.

WHEREAS, the Alabama Legislature notes with pleasure the election of Mrs. Harold Pate as President of the Alabama CowBELLES Association for 1982; and

WHEREAS, the Alabama CowBELLES Association is the auxiliary organization to the Alabama Cattlemen's Association with 51 county chapters and 2,482 members in the statewide organization; and

WHEREAS, the election of Mrs. Pate of Pate Charolais Ranch, Burkville, Alabama, followed terms of office as third, second and first Vice President, successively, as treasurer for the past eight years and as a past State Director of the organization; and

WHEREAS, in addition to her involvement as an Alabama CowBELLE, Mrs. Jean Holland Pate also has long been active with the Lowndes County CowBELLES, as a member of the Alabama Charolais Association and in assistance to the Alabama Junior Cattlemen's Association; and

WHEREAS, she further has served in the past as President of the Lowndes Academy PTO, Vice President of South Alabama Girl Scout Council, as Lowndes County Heart Fund and Leukemia Fund Chairman, President of the Lowndesboro Heritage Society and as a member of the Alabama Republican Executive Committee; she is a life member of the Auburn Alumni Association, Alpha Gamma Delta Social Fraternity, Lowndes County Republican Executive Committee, the Montgomery Baptist Executive Board and the Lowndesboro Baptist Church where she has taught Sunday School for some 24 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mrs. Harold Pate as the newly elected President of the Alabama CowBELLES Association; we further commend her for outstanding service to the organization and for her civic and community involvement in all areas.

BE IT FURTHER RESOLVED, That Mrs. Pate receive a copy of this resolution in token of our sincere praise and warm regard.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-117 H.J.R. 174—Rep. Turner

HOUSE JOINT RESOLUTION

URGING ALABAMA'S U. S. CONGRESSIONAL DELEGA-

TION TO OPPOSE THE PROPOSED BOAT USER FEES AS DEVELOPED FOR THE U. S. DEPARTMENT OF TRANSPORTATION BY THE U. S. COAST GUARD.

WHEREAS, the United States Coast Guard has developed a proposal of new boat user fees for the U. S. Department of Transportation; and

WHEREAS, the annual boat-user fee system is divided into three categories—non-navigable waters, navigable waters and coastal waters —as well as categories based on lengths of boats; and

WHEREAS, in coastal waters, for example, fees as proposed would range from $50 for boats under 16 feet in length, progressing to more than $600 annually for any boat over 65 feet; and

WHEREAS, while fees for boats operated on non-navigable waters and navigable inland waterways would begin at just $4.00, the majority of boats in South Alabama most likely would be classified as coastal operated and therefore subject to the higher coastal water scale; and

WHEREAS, not only would such unreasonable fees prove prohibitive to the recreational boaters of our state, but would create an unworkable system in use classification for South Alabama boat users and for those using their boats in various areas of our state and for various purposes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urgently request the members of Alabama's Congressional Delegation in Washington, D. C., to protest and to oppose the adoption of the U. S. Coast Guard boat user fees proposed for the U. S. Department of Transportation.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to inform each of our state's U. S. Congressmen and Senators, by copy of this resolution, of the Legislature's rejection of the above proposed fee system.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-118 H.J.R. 175—Rep. Waggoner

HOUSE JOINT RESOLUTION

COMMENDING THE VESTAVIA HILLS HIGH SCHOOL MARCHING BAND, ALABAMA'S REPRESENTATIVE TO THE

NATIONAL CHERRY BLOSSOM FESTIVAL IN WASHINGTON, D. C.

WHEREAS, the Alabama Legislature is pleased to note that the Vestavia Hills High School Marching Band has been selected to attend the National Cherry Blossom Festival in Washington, D. C.; and

WHEREAS, the 1982 festival will be held March 31 through April 4, with representative bands of the various states in our nation's Capital City for the annual event; and

WHEREAS, the Vestavia Hills High School Marching Band, under the talented leadership of Band Director Ted Galloway, will march in the parade on April 3, 1982, as representatives of the entire State of Alabama; and

WHEREAS, participating in the National Cherry Blossom Festival, by invitation, is an outstanding honor, and the Vestavia Hills High School Marching Band is indeed to be congratulated for such recognition; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Vestavia Hills High School Marching Band upon its selection to attend the National Cherry Blossom Festival in Washington, D. C.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Band Director Ted Galloway on behalf of the entire band membership, with a copy also provided for appropriate school display.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-119 H.J.R. 180—Rep. McCorquodale

HOUSE JOINT RESOLUTION

COMMENDING THE JACKSON HIGH SCHOOL AGGIES ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the outstanding basketball season of Clarke County's Jackson High School Aggies; and

WHEREAS, led to a regular season 26-2 record by Jackson High School's 20-year veteran Head Coach Ned Harbuck, and Assistant Coach Matthew Jones, the Aggies next handled Area 1 rivals, Baker and Citronelle, to then down the Thomasville Tigers for the Area

Championship; and

WHEREAS, Coach Harbucks' Aggies captured the Region 1 title by virtue of a 52-51 victory, in four overtimes, over the Area 2 champions, Wilcox County of Camden, and, with it, a berth in the Alabama High School Athletic Associations' Basketball Tournament; and

WHEREAS, Jackson High School's 3A Cagers, prior to area competition, had already won the Jackson Invitational, the Southwest Alabama Conference and the Clarke County tournaments for a total of five championships this season; the Aggies also broke two school records for the most wins and for the most wins in a row, going 30 games straight without a loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both highly commend and congratulate Coaches Harbuck and Jones and the Jackson High School Aggies on their spectacular basketball season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Ned Harbuck on behalf of Coach Jones and the Aggie Champions, with a copy also provided for appropriate school display.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-120 H.J.R. 189—Reps. Drinkard, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore,

Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

DESIGNATING MARCH 13, 1982, AS "DANNY FORD DAY IN ALABAMA," AND PROVIDING FOR THE RETIREMENT OF HIS GADSDEN HIGH SCHOOL FOOTBALL JERSEY NUMBER 81.

WHEREAS, Coach Danny Ford of Clemson University is a native of Alabama and of Gadsden where he was an outstanding member of Gadsden High School's varsity football squad; and

WHEREAS, Danny Ford, who wore jersey number 81 for Gadsden High, was named All-State in 1965; in 1969 he served as captain of the University of Alabama Crimson Tide football team and was named All-Southeastern Conference; and

WHEREAS, Coach Ford premiered his career as a Head Football Coach with a Gator Bowl victory by his Clemson Tigers over Ohio State University; and

WHEREAS, following a perfect 1981 season and an Orange Bowl victory over Nebraska, Coach Ford's Tigers were consensus National Champions of the Associated Press, United Press International and Eastman Kodak; they also were the recipients of the McArthur Bowl Award and Coach Ford was named 1981 NCAA Coach of the Year; and

WHEREAS, as one of our nation's most outstanding college football coaches, Danny Ford is indeed a credit to our state and to his hometown of Gadsden, Alabama, which has proclaimed March 13, 1982, as "Danny Ford Day" in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation also of Coach Ford's outstanding accomplishments, we hereby name and designate March 13, 1982, as "Danny Ford Day in Alabama"; we further direct that upon graduation of the present wearer of jersey number 81, said jersey shall be retired in fitting tribute to Coach

Ford, an illustrious alumnus of Gadsden High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Ford with a copy also provided for appropriate display at Gadsden High School.

Approved March 5, 1982

Time: 9:00 A.M.

Act No. 82-121 H.J.R. 192—Rep. Waggoner

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA BLAZERS ON THEIR OUTSTANDING BASKETBALL SEASON.

WHEREAS, the Legislature of Alabama notes with deep pride and pleasure the outstanding 23-5 season record posted by the University of Alabama-Birmingham Blazers; and

WHEREAS, under Coach Gene Bartow, the Blazers also walked away with both the Sunbelt Tournament and the Sunbelt Conference titles for 1981-82; and

WHEREAS, it is further to be noted that Alabama's Sunbelt stand-outs are participating for the second year in a row in the NCAA playoffs and were the first team to qualify for the competition; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend the University of Alabama-Birmingham Blazers; we wish them every success in the playoffs and direct that a copy of this resolution be sent to the team that they may know of our pride and support in their bid for the National Championship.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-122 H.J.R. 193—Rep. Waggoner

HOUSE JOINT RESOLUTION

COMMENDING COACH GENE BARTOW OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS, Head Basketball Coach Gene Bartow, now in his fourth season at the University of Alabama in Birmingham, led the

UAB Blazers to an outstanding 23-5 season this year; and

WHEREAS, Coach Bartow's Blazers, also this season, won both the Sunbelt Tournament and the Sunbelt Conference titles and, for the second year in a row, are participating in the NCAA playoffs, the first team to qualify for the competition; and

WHEREAS, Coach Bartow, prior to his association with UAB, had carried two of his teams, one each from two different schools, to the NCAA finals, a feat thus far accomplished by only one other basketball coach in America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Gene Bartow for outstanding accomplishment during his tenure at the University of Alabama in Birmingham; we further congratulate him as one of our nation's most prominent college basketball coaches and direct that he receive a copy of this resolution, tendered in warm praise and sincere regard.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-123 H. 368—Rep. Harvey

AN ACT

Relating to the Town of Sardis in Etowah County; authorizing the Town of Sardis as a municipal corporation to establish, purchase, construct, maintain and operate a nonexclusive television cable system and to furnish television cable services to the residents of the town and to residents of unincorporated areas of Etowah County not served by an existing cable television system or systems; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to the Town of Sardis in Etowah County.

Section 2. The municipal corporation of the Town of Sardis in Etowah County shall have the right to establish, purchase, construct, maintain and operate a nonexclusive television cable system and to furnish television cable service to their residents and residents of surrounding unincorporated areas of Etowah County not then served by an existing cable television system or systems.

Section 3. The municipal corporation is authorized to construct, lease, purchase or otherwise acquire television lines or cables for the furnishing of television service from any point in this state or any other state to said municipal corporation and surrounding territory.

Section 4. For the purposes of this Act such municipal corporation may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 5. (a) In payment of the purchase, construction, acquisition, extension or maintenance of such television cable system, the said municipal corporation may issue its bonds in the manner provided by law.

(b) Such municipal corporation, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds or other evidences of indebtedness incurred or issued by it for the construction, acquisition, extension or maintenance of a television cable system may execute a mortgage or deed of trust upon any or all of such system and all property used in connection therewith, including the franchise or any part thereof.

(c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the municipal corporation and holders of such bonds or securities issued by such municipal corporation and holders of such bonds or securities issued by such municipal corporation as may be determined and agreed upon by the governing body of the municipal corporation and persons, firms or corporations owning such debts, bonds or securities.

(d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure sale may acquire the right, privilege and franchise of operating such system as may be so sold or conveyed, and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, on the same terms and to the same extent as the municipal corporation is authorized to operate until the municipal corporation may redeem such system from such mortgage sale.

(e) Such mortgage or deed of trust may provide that during the ownership of the system by the municipal corporation, its control of the service of the system shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained as are sufficient to meet the costs of operation and maintenance; and such municipal corporation

may pledge all of the receipts, earnings and revenues from the operation of the system for the payment of the debts, bonds or other evidences of indebtedness secured by such mortgages or deeds of trust.

Section 6. The municipal corporation furnishing television cable service pursuant to this Act shall have the right to mutually agree with any person furnishing television cable service to the public in this state to interconnect the television cable, lines, facilities or systems furnishing such service with, or otherwise make available such cables, lines, facilities or systems to the municipal corporation's television cable, lines, facilities or system in order to provide a continuous line of communication for the municipal corporation's subscribers.

Section 7. The municipal corporation shall have all the power and authority necessary and proper to the exercise of the powers conferred on it by this Act and in effectuating the purposes of this Act.

Section 8. For the transaction of business pursuant to this Act, the said municipal corporation shall be exempt from the jurisdiction and control of the Alabama Public Service Commission with respect to such business.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-124 H.J.R. 181—Rep. McCorquodale

HOUSE JOINT RESOLUTION

CREATING A JOINT ALABAMA LEGISLATIVE TRAVEL AND TOURISM CAUCUS.

WHEREAS, in fiscal year 1980-81, travel and tourism generated $2.3 billion income to travel-related industries resulting in $463 million in wages and salaries to over 62,000 Alabamians; and

WHEREAS, travel income accounted for more than 17 percent of Alabama's retail sales tax collections, or some $90 million not including state taxes on gasoline; and

WHEREAS, there is an abundance of natural and man-made recreational facilities and attractions throughout Alabama; and

WHEREAS, transportation systems in the Southeast United States provide more than favorable access in and through Alabama; and

WHEREAS, Alabama can capture a greater share of the travel and tourism market with increased awareness of the economic benefits which can be realized by greater involvement and coordination in promotional activities between the public and private sectors; and

WHEREAS, the entire state and every Alabama legislator's district is affected economically by travel and tourism, either by "pass-through" or destination tourism; and

WHEREAS, the Alabama Bureau of Publicity and Information stands ready to assist in implementation of the permanent organization of an Alabama Joint Legislative Travel and Tourism Caucus; and

WHEREAS, membership and participation in a Joint Alabama Legislative Travel and Tourism Caucus would be of great assistance to each legislator in providing valuable information and facts to assist in making legislative decisions, and would be a means of communication to provide in-put and ideas for Alabama's advancement in this effort; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That such Caucus now be authorized and that the participation of individual legislators be encouraged.

BE IT FURTHER RESOLVED, That a joint temporary steering committee be appointed for the purpose of presenting to the individual legislators a proposed charter modeled after the U. S. Congressional Travel and Tourism articles dated December 19, 1979. Said committee shall consist of three members of the House of Representatives to be appointed by the Speaker and three members of the Senate to be appointed by the Lieutenant Governor. The committee shall elect a chairman from its members.

RESOLVED FURTHER, That each legislator of both Houses be presented with:

(a) A copy of this joint resolution; and

(b) A copy of the aforementioned U. S. Congressional Articles; and

(c) A letter from the steering committee outlining such future action as shall be recommended by the committee.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-125 S.J.R. 85—Mr. Callahan

SENATE JOINT RESOLUTION

CONGRATULATING MISS LINDA ZOGHBY OF MOBILE, ALABAMA ON HER DEBUT PERFORMANCE WITH THE NEW YORK METROPOLITAN OPERA.

WHEREAS, the Alabama Legislature, in consensus of commendation, extends warm congratulations to Miss Linda Zoghby of Mobile, Alabama, on her January 19, 1982, debut with the New York Metropolitan Opera; and

WHEREAS, as first cover artist for the Met's lead soprano, Theresa Stratas, Miss Zoghby, with just an hour's notice, was informed that she would appear for Miss Stratas who was ill; and

WHEREAS, Miss Zoghby's performance as Mimi in Puccini's "La Boheme" was enthusiastically received by the audience and highly acclaimed by the critics in attendance for the performance; and

WHEREAS, complimentary observations also were made by the conductor and by a voice coach and pianist as well as others with the company who professionally assessed with praise Miss Zoghby's debut performance opposite tenor Jose Carreras as Puccini's Rudolfo; and

WHEREAS, Miss Zoghby, who is a native of Mobile, is the daughter of Mr. and Mrs. Emile Zoghby and is married to Mr. Darryl Noll with whom she resides in Mobile with their infant daughter, Ashley; and

WHEREAS, Miss Zoghby, a graduate of Florida State University, also is a graduate of the Convent of Mercy and studied under the late Madame Rose Palmai-Tenser in Mobile; her theatrical training was under the Reverend Anthony Zoghby at the Mobile Theatre Guild; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the extraordinarily talented Miss Linda Zoghby of Mobile, Alabama; we congratulate her on her highly successful Metropolitan Debut and direct that she receive a copy of this resolution in token of our deep admiration and of our declaration of pride in her as a native daughter of the State of Alabama.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-126 S.J.R. 90—Messrs. Weeks and Teague

SENATE JOINT RESOLUTION

HONORING MR. ARTHUR HAMPTON COKER, JR., PROMINENT ALABAMA EDUCATOR.

WHEREAS, in commendation of outstanding service, the Legislature of Alabama notes the retirement of Mr. Arthur Hampton Coker, Jr., following a 17-year association with Troy State University, for twelve years as Director of Housing and Conference and as counselor and teacher for a period of five years; and

WHEREAS, Mr. Coker, who was awarded a Bachelor's Degree from Auburn University in 1946, also earned his Master's Degree and studied additionally on the post graduate level at Auburn University; and

WHEREAS, prior to Mr. Coker's service at TSU, he was a classroom teacher and principal at schools in Florida and in Alabama from 1947 until 1964; and

WHEREAS, professionally he has served as Secretary of the Coosa County Principals Association, president of Coosa County Educational Association and both as vice president and as president of the Troy State University Educational Association; and

WHEREAS, Mr. Coker's long tenure at TSU was marked with excellence and was outstanding in its dedication to the University and to the many students he taught, counseled and served through the years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Arthur Hampton Coker, Jr., as one of our state's most prominent educators and direct that he receive a copy of this resolution in token of deep appreciation for his dedicated service and in warm best wishes for his every future success.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-127 S.J.R. 127—Mr. Bailey

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING ALABAMA'S 1981 STATE 3A FOOTBALL CHAMPIONS, THE EUFAULA HIGH SCHOOL TIGERS.

WHEREAS, during the six-year tenure of Head Coach George Cochran, the Eufaula High School Tigers have a phenomenal record of six winning seasons and two State 3A Football Championships; and

WHEREAS, the Tigers' first title was in 1978, and the second in 1981 with a sensational 13-1 record for this past season, including five shut-outs against such powerhouses as Beauregard, Valley, Bullock County and Chavala, and against Smith Station, 7-0, in the 3A Area IV Championship; and

WHEREAS, in the State Playoffs, for the fourth straight year, the Tigers left tracks from one end of the state to the other, stomping Opp, Greenville and Thompson in their march North to a 39-20 win over Hartselle High School for the State 3A Crown; and

WHEREAS, Coach Cochran and his assistants, Coaches Joe Jennings, Stanley Lott, John Ed Olive and Sloan Walker, are indeed to be commended for their outstanding coaching ability and the Tigers, each and every one, for their hard work and extra effort all season long; and

WHEREAS, also sharing the glory and the credit are staff members, the Tiger band, and the Varsity Cheerleaders who promoted the Tiger Pride Spirit among students, faculty and other fans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach George Cochran and the Eufaula High School 1981 State 3A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Cochran on behalf of his staff and the entire team, with a copy also provided for appropriate display at Eufaula High School.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-128 S.J.R. 134—Messrs. Little, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

CONGRATULATING OUR COLLEAGUE, SENATOR BISHOP BARRON, UPON HIS APPOINTMENT TO THE COURT OF CRIMINAL APPEALS.

WHEREAS, the appointment of Bishop Barron of Montgomery to the Court of Criminal Appeals has been met with mixed emotion by those of us who have been privileged to serve with Senator Barron in the Alabama Legislature; and

WHEREAS, prior to his Senate service, beginning in 1979, Mr. Barron served in the House of Representatives for a period of some six years, and his effectiveness in state government has had a lasting and positive effect on the entire State of Alabama; his loss to the Legislature will be deeply felt and it is with regret that we face his departure; and

WHEREAS, a Montgomery attorney for a number of years, Senator Barron also is a certified public accountant; he holds a law degree from Jones Law School, and his B.S. degree in commerce and business administration was obtained at the University of Alabama; his years of active practice of law and his experience in the Legislature will hold him in good stead in his new position for which he is eminently qualified; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend our good friend and colleague, Senator Bishop Barron, and also express our deep appreciation for his dedicated service in the Alabama Legislature; we further congratulate him on his appoint-

ment to the Alabama Court of Criminal Appeals and direct that he receive a copy of this resolution, in token of our warm praise, affection and regard.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-129 S.J.R. 137—Messrs. Weeks and Miller

SENATE JOINT RESOLUTION

NOTING THE RETIREMENT OF MR. JACK W. SMITH FOLLOWING A CAREER IN STATE SERVICE OF MORE THAN 42 YEARS.

WHEREAS, a native of Banks, Alabama, and a graduate of Brundidge High School, Mr. Jack W. Smith has been a resident of Enterprise since 1955; and

WHEREAS, Mr. Smith, a valued employee of the State of Alabama and with the State Highway Department since 1939, began his career in Surveys and Plans in Valley Head, Northeast Alabama, and worked throughout the state for the next 13 years; and

WHEREAS, in 1952, he joined the department's Seventh Division as Project Engineer, first in Andalusia and later in Troy; his transfer to Enterprise was as Resident Engineer, to remain as District Engineer for some 26 years and, for the past three years, as Division Maintenance Engineer; and

WHEREAS, Mr. Smith also has long been involved in community affairs as an active member of the First Baptist Church of Enterprise and a former member of the Lions Club; he is a charter member and first president of the Enterprise Kiwanis Club and served as District Lieutenant Governor, Kiwanis International, in 1978; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Jack W. Smith on his long and distinguished career with the Alabama Highway Department and sincerely wish him well in all future endeavors.

BE IT FURTHER RESOLVED, That Mr. Smith receive a copy of this resolution that he and his wife, Mrs. Louise Hulyn Smith, and their daughters, Sandra and Patricia, may know of our sincere warm praise and high regard.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-130 S.J.R. 138—Mr. Weeks

SENATE JOINT RESOLUTION

COMMENDING MR. RAY P. SMITH UPON HIS RETIREMENT AS DIVISION MATERIALS ENGINEER WITH THE ALABAMA STATE HIGHWAY DEPARTMENT.

WHEREAS, the Legislature of Alabama notes with utmost commendation the outstanding career of Mr. Ray P. Smith who is retiring February 28, 1982, after more than 40 years of distinguished state service; and

WHEREAS, Mr. Smith was first employed with the Alabama State Highway Department in 1941 and has been with the department continuously since that time with the exception of military service during World War II and duty primarily in the European Theatre of Operations; and

WHEREAS, from his first position as a Rodman, Mr. Smith was progressively promoted through the ranks, serving in various capacities, to his retirement position as Seventh Division Materials Engineer; and

WHEREAS, a native of Butler County, Mr. Smith is now a resident of Troy, Pike County, Alabama, and is a member of the Troy Presbyterian Church which he serves as Deacon and as Trustee; he and his wife, the former Margaret McQueen, are the parents of a son, James C. Richardson, and of a daughter, Miss Cynthia Smith, who covers the Legislature for The Montgomery-Advertiser; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Ray P. Smith for outstanding service to the State of Alabama and direct that he receive a copy of this resolution, tendered in warm praise and in expression of our best wishes for every future success.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-131 S.J.R. 139—Mr. Miller

SENATE JOINT RESOLUTION

HONORING FORMER ALABAMIAN, MAJOR GENERAL ARTHUR E. BROWN, JR.

WHEREAS, born in Manila, the Philippines, Major General Arthur E. Brown, Jr., moved frequently throughout the United States as dictated by his father's U. S. Army career assignments; and

WHEREAS, following his father's transfer to Fort Rucker, General Brown resided in Enterprise, Alabama, where he was enrolled at Coffee County High School, participating in football and in other sports as well; and

WHEREAS, Art, as he was known to his teammates and friends, also attended the University of Alabama; he was a graduate, however, of the United States Military Academy at West Point, receiving his commission as a Second Lieutenant of Infantry, and he later received a Master's Degree from the University of Pittsburgh; and

WHEREAS, throughout his illustrious military career, General Brown has served variously in Europe, in Vietnam, and throughout the United States including a tour of duty at the Pentagon and as Deputy Superintendent of the United States Military Academy at West Point; and

WHEREAS, General Brown also successfully completed Basic and Advanced Courses in the Infantry School and is a graduate of both the U. S. Army Command and General Staff College and the U. S. Army War College; and

WHEREAS, General Brown is the recipient of a number of military decorations including the Silver Star, Legion of Merit with three Oak Leaf Clusters, Distinguished Flying Cross with three Oak Leaf Clusters, Bronze Star with V Device and two Oak Leaf Clusters, Meritorious Service Medal and the Republic of Vietnam Cross of Gallantry with Gold Star, among others; and

WHEREAS, currently, General Brown serves as Commander, Army Readiness and Mobilization Region IV, at Fort Gillem, Georgia; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend former Alabamian Major General Arthur E. Brown, Jr., on his illustrious military career, and direct that he receive a copy of this resolution in token of our warm praise and in declaration of our admiration of him as an outstanding patriot.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-132

S.J.R. 141—Messrs. Britnell, Bailey, Callahan, Cook, deGraffenried, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. LILLIE MAE DENTON, MOTHER OF SENATOR BOBBY DENTON.

WHEREAS, We note with deep regret the death on February 20, 1982, of Mrs. Lillie Mae Denton, a lifelong resident of Colbert County and the mother of our colleague, Bobby Denton; and

WHEREAS, Mrs. Denton, who was born on March 28, 1904, was one of the most distinguished citizens in her community, and was greatly loved and respected by her multitude of friends; and

WHEREAS, She was most active in her church, Cherokee Baptist Church, from which her funeral was held yesterday; and

WHEREAS, Mrs. Denton is survived by her husband, Dewey Denton, three daughters, Mrs. Vera Lair, Mrs. Dorothy Denton, and Mrs. Cala Warhurst, and three sons, Bobby, Johnny, and James "Buddy"; she is also survived by five sisters, a brother, thirteen grandchildren, and five great-grandchildren; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do profoundly mourn the passing of this great lady, who lived a full, Christian life, and who will be remembered with love and admiration; though we grieve, we also give thanks for what she meant in the lives of her family and many friends.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to her husband, Dewey Denton, and her son and our friend, Senator Bobby Denton.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-133 S.J.R. 151—Mr. Taylor

SENATE JOINT RESOLUTION

RECOGNIZING MARCH 18, 1982, AS AGRICULTURAL DAY, 1982, IN THE STATE OF ALABAMA.

WHEREAS, a nationwide observance of March 18 as Agricultural Day, 1982, will celebrate the United States' Agricultural success in providing the world's most abundant and highest quality food supply; and

WHEREAS, Agricultural Day activities throughout our land will focus upon and spotlight a message that every American can endorse: "Agriculture—It's Our Heartbeat, America"; and

WHEREAS, we in Alabama are indeed cognizant of the vital role of agriculture in our nation's greatness, and of its significance in Alabama where more than 170,000 citizens are engaged in farming and where agribusiness reigns as our state's single largest industry; and

WHEREAS, Alabama's agricultural achievements also account for an impressive percentage of our nation's collective accomplishments, a contribution that is a source of great pride to all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in shared sentiment of the purpose and intent of a national Agricultural Day, we hereby recognize March 18 as "Agricultural Day, 1982" in the State of Alabama, and call upon all citizens thereof to join in such recognition and endorsement.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-134 S. 114—Mr. Holmes

AN ACT

Relating to the continued existence and functioning of the State Board of Podiatry provided for in Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, and as may otherwise be provided by Law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as

amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Podiatry and voted to recommend the continuance of the said Board created and functioning pursuant to Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, and hereby recommends the continuance of the said Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, relating to the State Board of Podiatry are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-135 S. 116—Mr. Smith

AN ACT

Relating to the continued existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors provided for in Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors and voted to recommend the continuance of the said Board created and functioning pursuant to Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, and hereby recommends the continuance of the said

Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, relating to the Board of Registration for Professional Engineers and Land Surveyors are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-136 S. 117—Mr. Smith

AN ACT

Relating to the continued existence and functioning of the Board of Registration of Foresters provided for in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Registration of Foresters and voted to recommend the continuance of the said Board created and functioning pursuant to Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, and hereby recommends the continuance of the said Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, relating to the Board of Registration of Foresters are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-137 S. 118—Mr. Parsons

AN ACT

Relating to the continued existence and functioning of the Board of Optometry provided for in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Optometry and voted to recommend the continuance of the said Board created and functioning pursuant to Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and hereby recommends the continuance of the said Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, relating to the Board of Optometry are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon

its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-138 S. 119—Mr. Smith

AN ACT

Relating to the continued existence and functioning of the Alabama Firefighters Personnel Standards and Education Commission provided for in Sections 36-32-1 through 36-32-12 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Firefighters Personnel Standards and Education Commission and voted to recommend the continued existence and functioning of the said Commission created and functioning pursuant to Sections 36-32-1 through 36-32-12 of the Code of Alabama 1975, and hereby recommends the continuance of the said Commission and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 36-32-1 through 36-32-12 of the Code of Alabama 1975, relating to the Alabama Firefighters Personnel Standards and Education Commission are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-139 S. 120—Mr. Holmes

AN ACT

Relating to the continued existence and functioning of the Peace Officers Standards and Training Commission provided for in Sections 36-21-40 through 36-21-50 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Peace Officers Standards and Training Commission and voted to recommend the continuance of the said Commission created and functioning pursuant to Sections 36-21-40 through 36-21-50 of the Code of Alabama 1975, and hereby recommends the continuance of the said Commission and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. 36-21-40 through 36-21-50 of the Code of Alabama 1975, relating to the Peace Officers Standards and Training Commission are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-140 S. 121—Mr. Smith

AN ACT

Relating to the continued existence and functioning of the Board of Dental Examiners provided for in Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Dental Examiners and voted to recommend the continuance of the said Board created and functioning pursuant to Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, and hereby recommends the continuance of the said Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, relating to the Board of Dental Examiners are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-141 S. 122—Mr. Holmes

AN ACT

Relating to the continued existence and functioning of the State Board of Pharmacy provided for in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State

Board of Pharmacy and voted to recommend the continuance of the said Board created and functioning pursuant to Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and hereby recommends the continuance of the said Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, relating to the State Board of Pharmacy are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-142 S. 124—Mr. Parsons

AN ACT

Relating to the continued existence and functioning of the Board of Chiropractic Examiners provided for in Sections 34-24-120 through 34-24-172 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Chiropractic Examiners and voted to recommend the continuance of the said Board created and functioning pursuant to Sections 34-24-120 through 34-24-172 of the Code of Alabama 1975, and hereby recommends the continuance of the said Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-24-120 through 34-24-172 of the Code of Alabama 1975, relating to the Board of Chiropractic Examiners are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-143 S. 125—Mr. Holmes

AN ACT

Relating to the continued existence and functioning of the State Board of Public Accountancy provided for in Sections 34-1-1 through 34-1-22 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Public Accountancy and voted to recommend the continuance of the said Board created and functioning pursuant to Sections 34-1-1 through 34-1-22 of the Code of Alabama 1975, and hereby recommends the continuance of the said Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-1-1 through 34-1-22 of the Code of Alabama 1975, relating to the State Board of Public Accountancy are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-144 S. 126—Mr. Hilliard

AN ACT

Relating to the continued existence and functioning of the State Athletic Commission provided for in Section 41-9-90.1 of the Code of Alabama, 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Athletic Commission and voted to recommend the continuance of the said Commission created and functioning pursuant to Section 41-9-90.1 of the Code of Alabama 1975, and hereby recommends the continuance of the said Commission and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Section 41-9-90.1 of the Code of Alabama 1975, relating to the State Athletic Commission is hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-145 S. 127—Mr. Parsons

AN ACT

Relating to the continued existence and functioning of the Board of Examiners of Nursing Home Administrators provided for in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, and as may otherwise be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Examiners of Nursing Home Administrators and voted to recommend the continuance of the said Board created and functioning pursuant to Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, and hereby recommends the continuance of the said Board and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, relating to the Board of Examiners of Nursing Home Administrators are hereby continued.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-146 S. 128—Mr. Smith

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend sections 34-14-7

and 34-14-11, so as to provide for a different time period for temporary permits of the board; to provide for rules and regulations concerning ethical conduct of the boards licensees; and to provide that the board must issue a license to any person duly licensed by the laws of this state as an audiologist.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Hearing Aid Dealers, and voted to recommend the continuance of the board created and functioning pursuant sections 34-14-1 through 34-14-33, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Hearing Aid Dealers, created and functioning pursuant to Sections 34-14-1 through 34-14-33 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-14-7 and 34-14-11 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 34-14-7 (a) An applicant who fulfills the requirements regarding age, character, education and health, as set forth in subsection (a) of section 34-14-4, may obtain a temporary permit upon application to the state board. Previous experience or a waiting period shall not be required to obtain a temporary permit.

"(b) Upon receiving an application as provided under this section and accompanied by a fee of $25.00, the state board shall issue a temporary permit which shall entitle the applicant to engage in the fitting and sale of hearing aids for a period of one year. A person holding a valid hearing aid dealer's and fitter's license shall be responsible for the supervision and training of such applicant and maintain adequate personal contact.

"(c) The department may issue a temporary license to an applicant starting a hearing aid dealership as sole owner, principal of a firm, or as an employee-manager of a corporation, if the applicant's training is provided by the manufacturer, or by a person who holds a valid license or certificate of endorsement under this chapter and if the new dealer not later than five days prior to the commencement of operation under a temporary license obtains at his own expense and files with the department a surety bond, in the sum of $5,000.00,

which shall be in conformance with the laws of this state relating to surety bonds and shall be conditioned on a dealer's satisfactory performance pursuant to and in accordance with this chapter and the rules and regulations thereunder, during the period covered by the temporary license.

"(d) If a person who holds a temporary permit under this section has not successfully passed the licensing examination by January 30 following the year of issuance, the temporary permit may be renewed one time only and within the following calendar year, upon the payment of a $50.00 renewal fee."

"§ 34-14-11. The powers and duties of the state board are as follows:

"(1) To authorize all disbursements necessary to carry out the provisions of this chapter;

"(2) To register persons who apply to the state board who are qualified to engage in the fitting and sale of hearing aids;

"(3) To issue and renew licenses;

"(4) To promulgate rules and regulations which define and regulate the ethical conduct of its licensees; and

"(5) The board shall issue and renew a license to sell and fit hearing aids to any person who is duly licensed under the laws of this state as an audiologist."

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-147 S. 131—Mr. Holmes

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in sections 34-2-1 through

34-2-24 of the Code of Alabama 1975; with certain modifications; to amend Section 34-2-42 so as to remove the requirement that list of certified architects be submitted to the Secretary of State's office.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Registration of Architects, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-2-1 through 34-2-24, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board for Registration of Architects, created and functioning pursuant to Sections 34-2-1 through 34-2-24 of the Code of Alabama 1975 are hereby continued.

Section 4. Section 34-2-42 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 34-2-42.

"On or before January 1 of each year, the board shall submit to the governor a report of its transactions for the preceding fiscal year, together with a complete statement of receipts and disbursements of the board for its last fiscal year, certified by the chairman and the secretary, and a copy of the said roster of registered architects."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-148 S. 134—Mr. Holmes

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Dairy Commission as provided in sections 2-13-40 through 2-13-66 of the Code of Alabama 1975; with certain modifications; to amend Section 2-13-42 so as to provide that the commission will automatically terminate upon the implementation of a federal milk marketing order and to provide for an orderly procedure for closing down the business of the commission; and to provide that if the federal order is not in effect by December 1, 1982, then the Sunset Committee must review the commission prior to the 1983 Regular Legislative Session.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Dairy Commission, and voted to recommend the continuance of the board created and functioning pursuant to Sections 12-13-40 through 12-13-66, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Alabama Dairy Commission, created and functioning pursuant to Sections 12-13-40 through 12-13-66 of the Code of Alabama 1975 are hereby continued.

Section 4. Section 2-13-42 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 2-13-42. (a) The Alabama dairy commission is hereby established and shall have all the powers and duties set forth in this article.

"(b) It is further provided, however, that if the secretary of agriculture, United States department of agriculture, denies the issuance of the proposed Alabama-West Florida milk marketing order existing as of the effective date of this amendatory act, then the provisions of Title 2, Chapter 13, Sections 40 through 66, Code of Alabama 1975, as amended, 1980, shall continue without interruption. In the event such order is not effective as of December 1, 1982, then the legislative sunset committee shall review the Alabama dairy commission prior to the 1983 regular session.

"(c) It is further provided that if on or prior to December 1, 1982, the secretary of agriculture, United States department of agriculture approves, issues and implements the proposed Alabama-West Florida milk marketing order existing as of the effective date of this amendatory act, the dairy commission shall be phased out according to the following provisions:

"(1) As of the effective date of the implementation of the Alabama-West Florida milk marketing order the commission shall not:

"(a) hold any further public hearings, nor

"(b) issue any further general orders or regulations, nor

"(c) collect any license fees.

"(2) Under the direction of the executive secretary or acting executive secretary of the dairy commission, the following steps shall be taken to phase out the agency:

"(a) The books and records of all licensee distributors shall be audited for all periods of operation until the effective date of the implementation of the Federal milk marketing order,

"(b) a committee composed of the executive secretary or acting executive secretary, commissioner of agriculture or his designated representative, one staff member of the department of archives and history and one staff member of Auburn university school of agriculture, shall be formed, that shall meet, study and determine the disposition of the records of the commission,

"(c) all outstanding bills of the commission shall be paid,

"(d) all commission property on the property inventory shall be assigned to the state surplus property sale. The proceeds from the sale of property shall go into the state general fund,

"(e) any residual funds remaining in the dairy commission trust fund shall be paid to distributor licensees and producer licensees in proportion to their payments into the fund, the most recent payments considered first,

"(f) the results of the most recent audit of each distributor shall be made available to the administrator of the Alabama-West Florida milk marketing order.

"(3) The phase out of the operations of the commission shall be accomplished in not more than six months following the implementation of the federal milk marketing order. Six months following the implementation of the federal milk marketing order. Sections 40 through 66 of Chapter 13, Title 2, Code of Alabama 1975, as

amended, shall be repealed, and shall have no further force of law.

"(4) In the event resignations of staff members make no staff member available to assume the position of the executive secretary or acting executive secretary before the agency is phased out, the commissioner of agriculture and industries shall act as receiver and provide for the execution of the provisions of this section. The department of agriculture and industries shall be reimbursed for any expenses incurred pursuant to this article from surplus funds of the commission prior to their distribution as provided hereinabove."

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-149 S. 139—Mr. Hilliard

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43, Code of Alabama 1975, as amended, as presently existing until October 1, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Nursing, and voted to recommend the continuance of said Board created and functioning pursuant to Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43, Code of Alabama 1975, as amended, but with modifications.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee to the extent that the Board of Nursing be continued.

Section 3. Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43, Code of Alabama 1975, as amended, relating to the Board of Nursing are hereby continued.

The Board of Nursing, as provided in Sections 34-21-1 through 34-21-26 and 34-21-40 through 34-21-43 of the Code of Alabama 1975, shall automatically terminate on October 1, 1984, unless a bill is passed that it be continued, modified or reestablished.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-150 H. 559—Reps. Mitchell, Johnson (Roy)

AN ACT

Relating to Tuscaloosa County; amending Act No. 81-1102, H. 29, Third Special Session 1981, entitled, "An Act To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits," and providing for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 81-1102, H. 29, Third Special Session 1981, is hereby amended to read as follows:

"Section 1. The boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, are hereby altered so as to remove from the corporate limits of said city all of the following territory, to-wit:

"All of the property in the SW 1/4 and the SE 1/4 of Section 12, Township 22 South, Range 10 West, that lies East of Bear Creek Road, South of Road #26, West of Rum Creek and North of the South boundary of Section 12."

Section 2. The provisions of this Act shall be retroactive to November 11, 1981.

Approved March 23, 1982

Time: 1:00 P.M.

Act No. 82-151 H. 574—Rep. McCorquodale

AN ACT

To propose an amendment to the Constitution of Alabama relating to court costs and charges in Clarke County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Clarke County, and the method of disbursement thereof.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general or special statewide election after the expiration of three months from the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House March 16, 1982

Passed the Senate March 25, 1982

Act No. 82-152 S. 133—Mr. Smith

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48 of the Code of Alabama 1975, with certain modifications; to amend Section 34-26-41, Code of Alabama 1975, so as to further define the requirements for licensure, in that a candidate must have a doctorate degree from a department or school of psychology recognized by the board.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Examiners in Psychology, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-26-1 through 34-26-48, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Alabama Board of Examiners in Psychology, created and functioning pursuant to Sections 34-26-1 through 34-26-48, Code of Alabama 1975, are hereby continued.

Section 4. Section 34-26-41 of the Code of Alabama 1975 is hereby amended to read as follows:

"§34-26-41.

"Any person wishing to obtain the right to practice as psychologist in this state, who has not heretofore been licensed to do so, shall, before it shall be lawful for him to practice psychology in this state, make application to the board of examiners in psychology through the chairman upon such form and in such manner as shall be adopted and prescribed by the board. Unless such a person has obtained license as aforesaid, it shall be unlawful for him to practice; and, if he shall practice psychology without first having obtained such a license, he shall be deemed to have violated the provisions of this chapter.

"A candidate for such license shall furnish the board with satisfactory evidence that:

"(1) He is of good moral character;

"(2) He is at least 19 years of age;

"(3) He has received a doctorate degree from a department of,

or school of, psychology, from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards.

"(4) He is competent in psychology as shown by passing such examinations, written or oral, or both, as the board will prescribe;

"(5) He is not engaged in unethical practice as defined in the code of ethics of the American Psychological Association; and

"(6) He has not within the preceding six months failed an examination given by the board."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-153 S. 135—Mr. Hilliard

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pardons and Paroles as provided in Sections 15-22-20 through 15-22-40 of the Code of Alabama 1975, with certain modifications; to amend Section 15-22-24, Code of Alabama 1975, so as to: Confer certain additional powers and authorities to the board; to authorize the issuance of badges and pistols to retirees of the board; and to prohibit state officials from representing applicants before the board for consideration.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Pardons and Paroles, and voted to recommend the continuance of the board created and functioning pursuant to Sections 15-22-20 through 15-22-40, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Pardons and Paroles, created and functioning pursuant to Sections

15-22-20 through 15-22-40 of the Code of Alabama 1975 are hereby continued.

Section 4. Section 15-22-24 of the Code of Alabama 1975 is hereby amended to read as follows:

"§15-22-24.

"(a) The board of pardons and paroles, hereinafter referred to as 'the board,' shall be charged with the duty of determining what prisoners serving sentences in the jails and prisons of the state of Alabama may be released on parole and when and under what conditions. Such board shall also be charged with the duty of supervising all prisoners released on parole from the jails or prisons of the state and of lending its assistance to the courts in the supervision of all prisoners placed on probation by courts exercising criminal jurisdiction and making such investigations as may be necessary in connection therewith, of determining whether violation of parole or probation conditions exist in specific cases, deciding, in the case of parolees, what action should be taken with reference thereto, causing, in the case of probationers, reports of such investigations to be made to the judges of the courts having jurisdiction of the probationers and of aiding parolees and probationers to secure employment. It shall also be the duty of the board to personally study the prisoners confined in the jails and prisons of the state so as to determine their ultimate fitness to be paroled.

"(b) Between October 1 and December 31 of each year, the board shall make a full report of its activities and functions during the preceding year, and such report shall be prepared in quadruplicate, with one copy thereof lodged with the governor, one filed in the office of the secretary of state, one filed in the office of the department of archives and history, and one copy retained in the permanent records of the board.

"(c) The board may accept grants, devices, bequeaths or gifts and make expenditures therefrom for the operations of the board and not individually as board members.

"(d) The board shall have the power and authority to enter contracts to accomplish the objectives of the board.

"(e) The board may adopt policy and procedural guidelines for establishing parole consideration eligibility dockets based on its evaluation of a prisoner's prior record, nature and severity of the present offense, potential for future violence, and community attitude toward the offender.

"(f) Any person who, at the time of his retirement, is employed by the board of pardons and paroles as a probation and parole officer,

shall receive as part of his retirement benefits, without cost to him, his badge, and pistol.

"(g) The board is hereby authorized and empowered to promulgate rules and regulations to establish a program that will authorize the board to expend state monies not to exceed $250 per year for awarding recognition incentive awards for outstanding employees.

"(h) No state official shall appear or otherwise represent an applicant before the board for any consideration or thing of value unless said official was counsel of record for the applicant during a trial or hearing in the regular judicial process that led to said applicant's present status; however, no state official shall be prohibited from appearing without consideration before the board or board panel on behalf of an applicant.

"(i) The board shall have the power, authority, and jurisdiction to conditionally transfer a prisoner to the authorities of the federal government or any other jurisdiction entitled to his custody to answer pending charges or begin serving a sentence in response to a properly filed detainer from the other jurisdiction. Such conditionally transferred prisoner shall remain in the legal custody of the warden of the institution from which he was transferred. Should any such conditionally transferred prisoner satisfy all detainers against him prior to completion of his Alabama sentence, said prisoner shall not be released from custody without further order of the board of pardons and paroles.

"(j) The board and its agents shall have the power and authority to administer oaths and affirmation, examine witnesses and receive evidence on all matters to be considered by the board."

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-154 S. 136—Mr. Holmes

AN ACT

Relating to the continued existence and functioning of the Alabama Public Library Service provided for in Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, with modifications; to amend Section 41-8-5 and 41-8-7 of the Code of Alabama 1975, so as to authorize the executive board of the Alabama Public Library Service to make certain exceptions in their criteria for receiving state aid as they relate to educational requirements and hours of operation and to provide further for reports made by libraries to the Alabama Public Library Service.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Public Library Service and voted to recommend the continuance of the said service, created and functioning pursuant to Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, and hereby recommends the continuance of said service with the additional recommendations for statutory changes as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. Sections 41-8-1 through 41-8-8 of the Code of Alabama 1975, relating to the Alabama Public Library Service are hereby continued.

Section 4. Sections 41-8-5 and 41-8-7 of the Code of Alabama 1975, are hereby amended to read as follows:

"§ 41-8-5.

"(a) The Alabama public library service shall give advice to all free public, regional, municipal and county libraries and to all communities in the state which may propose to establish public libraries, in the manner provided in this article, as to the best means of establishing and administering such public library service, selecting and cataloging books and other details of library management and may send any of its staff to aid in organizing such libraries or to assist in the improvement of those already established. The service may advise as to the proper qualifications of libraries of free public, regional, municipal and county libraries and shall perform such other services consistent with and in furtherance of the purpose of this article as shall from time to time appear feasible. Moreover, the service shall advise as to arrangements as provided in section 11-90-4, by which local governmental agencies may combine in the establishment of joint units of library service. The service may receive and shall administer all funds, books or other property from whatever source, under such conditions as may be deemed necessary in order

to carry out the purpose of this article; and, by the use of such means and methods as circumstances warrant, the service may acquire and operate traveling libraries, and circulate or loan such books and libraries among communities, libraries, library associations, social and civic clubs and organizations and other public agencies and institutions under such conditions and rules as the board deems necessary in order to protect the interests of the state and to increase the efficiency and promote the extension of public library service throughout the state.

"(b) The Alabama Public Library Service, through its board, shall have the authority to make exceptions in their criteria for receiving state aid as they relate to educational requirements and hours of operation."

"§ 41-8-7.

"The Alabama public library service shall each year obtain from all free public libraries in the State of Alabama reports showing the conditions, growth, development and conduct of said libraries. This provision shall not apply to the libraries of the supreme court of Alabama, the department of archives and history or school libraries aided and supervised by the department of education and the libraries of institutions of higher learning.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-155 S.J.R. 122—Messrs. Robertson, McDonald and Britnell

SENATE JOINT RESOLUTION

DESIGNATING THE WEEK OF APRIL 18-24, 1982, AS "PROFESSIONAL SECRETARIES WEEK" AND WEDNESDAY, APRIL 21, 1982, AS "PROFESSIONAL SECRETARIES DAY" IN ALABAMA.

WHEREAS, as defined by Professional Secretaries International, a secretary is an executive assistant who possesses a mastery of office

skills, demonstrates the ability to assume responsibility without direct supervision, exercises initiative and judgment and makes decisions within the scope of assigned authority; and

WHEREAS, in such a role, professional secretaries are a vital part of our nation's business, industry, education, government and the professions; and

WHEREAS, today's office is increasingly dependent upon the professional secretary's skill, organization and decision-making capability; and

WHEREAS, since 1952, a National Professional Secretaries Week and a National Professional Secretaries Day have been observed to increase the public's awareness of the escalating dependence of business, government, education and the professions upon the skills, loyalty and effeciency of their professional secretaries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus with the aims and purpose of the national observance, we hereby name and designate the week of April 18-24, 1982, as Professional Secretaries Week and Wednesday, April 21, 1982, as Professional Secretaries Day in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Alabama Chapter of the National Secretaries Association in declaration of our warm praise and regard.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-156 S.J.R. 123—Messrs. Robertson, McDonald and Britnell

SENATE JOINT RESOLUTION

DESIGNATING THE WEEK OF APRIL 18-24, 1982, AS "PROFESSIONAL SECRETARIES WEEK" AND WEDNESDAY, APRIL 21, 1982, AS "PROFESSIONAL SECRETARIES DAY" IN TUSCALOOSA COUNTY.

WHEREAS, as defined by Professional Secretaries International, a secretary is an executive assistant who possesses a mastery of office skills, demonstrates the ability to assume responsibility without direct supervision, exercises initiative and judgment and makes decisions within the scope of assigned authority; and

WHEREAS, in such a role, professional secretaries are a vital part of our nation's business, industry, education, government and the professions; and

WHEREAS, today's office is increasingly dependent upon the professional secretary's skill, organization and decision-making capability; and

WHEREAS, since 1952, a National Professional Secretaries Week and a National Professional Secretaries Day have been observed to increase the public's awareness of the escalating dependence of business, government, education and the professions upon the skills, loyalty and efficiency of their professional secretaries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus with the aims and purpose of the national observance, we hereby name and designate the week of April 18-24, 1982, as Professional Secretaries Week and Wednesday, April 21, 1982, as Professional Secretaries Day in Tuscaloosa County.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Alabama Chapter of the National Secretaries Association in declaration of our warm praise and regard.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-157 S.J.R. 144—Messrs. Bailey, Miller, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

DESIGNATING THE WEEK OF MARCH 15 THROUGH MARCH 19 AS GIFTED CHILDRENS' WEEK.

WHEREAS, there exists in the public school systems, a gifted childrens' program; and

WHEREAS, this program provides gifted children an opportunity to explore educational activities which are not normally a part of the educational curriculum; and

WHEREAS, this program challenges those young minds in such a way as to develop the future leaders of Alabama in science, religion, government, arts, and all the endeavors of human achievement; and

WHEREAS, it is desirable to encourage support of the gifted childrens' program by business, citizens, and public officials; Now

THEREFORE, BE IT RESOLVED BY THE ALABAMA LEGISLATURE BOTH HOUSES CONCURRING, that the week of March 15 through March 19 be designated Gifted Childrens' Week.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-158 S.J.R. 157—Messrs. Pearson and White

SENATE JOINT RESOLUTION

COMMENDING THE HOMEWOOD HIGH SCHOOL PATRIOT BAND FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature expresses its sincere pride in the accomplishments of the Homewood High School Patriot Band and, most particularly, in the band's representation of the State of Alabama in the famous Macy Thanksgiving Day Parade in New York City; and

WHEREAS, under the talented direction and tutelege of Band Director Pat Morrow, the Patriot Band has consistently ranked Superior in all competition, including Gadsden's Mid-South Marching Festival, and in other contests district-wide; and

WHEREAS, this outstanding Alabama Marching Band, which numbers some 190 members, also features the Star Spangled Girls and a Color Guard, choreographed by Cindy Wade and Darryl Ussery respectively; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Homewood High School Patriot Band and heartily congratulate the group on its numerous awards and honors.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display at Homewood High School, with a copy also sent to Band Director Pat Morrow, on behalf of the

Patriot Band, and in token of our appreciation of their accomplished representation of the State of Alabama in the Macy Thanksgiving Day Parade.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-159 H. 556—Rep. Reed

AN ACT

Relating to Macon County; to provide for an additional expense allowance for the assistant district attorney serving Macon County; to make the provisions of this act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The assistant district attorney serving Macon County shall receive an additional expense allowance in the amount of $350 per month to be paid from the county general fund. Said expense allowance shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 2. This Act shall be retroactive to November 1, 1981.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-160 H.J.R. 115—Reps. Turner, Harper (T), Buskey, Clark (W), Stewart, Parker, Zoghby, McMillan

HOUSE JOINT RESOLUTION

COMMENDING MAURINE WOOD, MOBILE, ALABAMA

WHEREAS, Maurine has served as secretary to the Mobile, Washington and Baldwin Legislative Delegation for the past seven years; and

WHEREAS, she is known for her honesty and integrity and works with tireless efforts to serve the public as well as the Delegation; and

WHEREAS, Maurine has learned to deal with each Legislator's constituency as if she were their elected official; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That Miss Maurine Wood be commended for her work.

BE IT FURTHER RESOLVED, That we wish her well in her future endeavors whether they be to seek a future in politics in the near future or to further pursue her present profession.

BE IT FURTHER RESOLVED, That she receive a copy of this Resolution so she may know of our high regards.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-161 H.J.R. 177—Reps. Sandusky, Stewart, Buskey, Turner, Bedsole, Harper (T), Kennedy, Parker, Zoghby, Clark (W), McMillian

HOUSE JOINT RESOLUTION

NAMING THE MOBILE COUNTY YOUTH CENTER LOCATED IN MOBILE, ALABAMA, THE "JAMES T. STRICKLAND YOUTH CENTER."

WHEREAS, Judge James T. Strickland has served as Circuit Court Judge, 13th Judicial Circuit, since his election in 1970, and has been assigned to the Juvenile Division of the Circuit Court for Mobile County, Alabama; and

WHEREAS, a resident of said county for the past 49 years, Judge Strickland was graduated from Murphy High School and served overseas with the United States Army during World War II; upon discharge, he entered the University of Alabama where he received his Law Degree in 1952 and then entered the private practice of law; and

WHEREAS, Judge Strickland served as Assistant District Attorney for Mobile County from 1955 to 1965, at which time he was appointed to the Bench as Juvenile Court Judge by the Circuit Judges of Mobile County; and

WHEREAS, as Juvenile Court Judge until 1970 and subsequently as Circuit Judge, Juvenile Division, Judge Strickland also, in the area of juvenile justice, has served as past president of the Alabama Council of Juvenile Court Judges, as a member of the Juvenile Correctional Study Committee of the State of Alabama and the Police Action Committee of the National Council of Juvenile Judges, as vice-chairman of the State Youth Services Board and on the Advisory

Committee on Juvenile Justice; and

WHEREAS, a member of the Mobile, Alabama, and American Bar Associations, Judge Strickland further is a member of the National Reciprocal and Family Support Enforcement Association and of numerous other professional organizations which he has actively served in various capacities of leadership and advisement; and

WHEREAS, he also is a Methodist, Mason, Shriner and a member of several fraternal and civic organizations; and

WHEREAS, Judge Strickland, who has announced that he soon will retire from the Bench, has served as a distinguished jurist for some 17 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation for outstanding service, we hereby name and designate the Mobile County Youth Center located in Mobile, Alabama, the "James T. Strickland Youth Center" and direct that appropriate signs and markers be erected and maintained so designating said facility.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Judge Strickland as a memento of this honorary designation and in token of our utmost regard.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-162 H.J.R. 197—Reps. Mitchell, Johnson (R. G.), Howard, Manley, Clark (G), Owens, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis,

McCorquodale, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA BASKETBALL TEAM.

WHEREAS, on March 6, 1982, the University of Alabama Basketball team accomplished one of the major upsets of the basketball season in defeating the University of Kentucky to win the Southeastern Conference Basketball Tournament Championship and earn an automatic invitation to the National Collegiate Athletic Association Basketball Championship Tournament; and

WHEREAS, the Kentucky Wildcats had won 31 straight games and had not lost on their home court in over 2 years and were considered invincible in the tournament until The Tide whipped the Cats 48 to 46; and

WHEREAS, the Crimson Tide claimed the Southeastern Conference Tournament Championship by defeating the best, the Georgia Bulldogs, the Tennessee Vols and the Kentucky Wildcats, all three opponents who have been invited to post season basketball tournaments; and

WHEREAS, Bama overcame much adversity, including injuries to key personnel and playing on Kentucky's home court before almost 23,000 partisan Wildcat supporters; and

WHEREAS, Coach Wimp Sanderson and his players have compiled an outstanding season record of 23-6, have been ranked in the top twenty most of the year and are a seeded team in the Eastern Region of the N.C.A.A. Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we proudly commend the University of Alabama Crimson Tide basketball team for its S.E.C. tournament championship, its outstanding season record, its participation in the N.C.A.A. tournament and the exemplary

manner in which the team has represented the people of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Sanderson and to the Athletic Department for appropriate display so they may know of our sentiments.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-163 H.J.R. 201—Reps. Moore, Coburn, Smith (C)

HOUSE JOINT RESOLUTION

URGING CONTRACTORS OF STATE PROJECTS TO SUPPORT THE ECONOMY OF OUR STATE THROUGH THEIR PURCHASE AND USE OF GOODS MADE IN ALABAMA.

WHEREAS, the economic well-being of our state is both directly and adversely affected by the purchase and use of goods and services from outside the state; and

WHEREAS, when our state's manufacturers are forced to close their plants, a resulting increase in unemployment detrimentally affects the economy of the state; and

WHEREAS, the State of Alabama awards numerous contracts for public improvements; and

WHEREAS, the economy of the state could be enhanced considerably if the goods and services used in these contracts were produced in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That in an appeal for the support for the state to further our own economic interests and protect the well-being of all our citizens, we hereby urge every contractor of state projects and contracts to give preference to goods and services made in Alabama if they meet or exceed the standards required by the contract.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-164 H.J.R. 207—Rep. Hammett

HOUSE JOINT RESOLUTION

COMMENDING RED LEVEL HIGH SCHOOL'S MARCH-

ING BAND FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with pride the selection of Red Level High School's Marching Band to participate in George Washington's 250th Birthday Celebration, to be held May 5 through May 10 with representative bands of the various states traveling to Alexandria, Virginia, for this special event; and

WHEREAS, Red Level's 50-member "Touch of Class" band, under the able and talented leadership of Band Director Gary Bradley, will march in the parade on May 8 as band ambassadors for the entire State of Alabama; and

WHEREAS, though the trip is to be financed in part by funds allocated from various sources, much of the expense will be paid through fund-raising projects of the Band Booster's Club, coordinated by President Ann Foley and supported by the entire community working together in a spirit of enthusiasm toward a common goal; and

WHEREAS, this latest honor is just one of many for the "Touch of Class" band which, five years ago, began an uphill climb following a disastrous fire that totally destroyed the band room and all equipment; and

WHEREAS, during these "recovery" years, the Red Level High School Band has won some 30 trophies, including eleven prestigious awards this year alone; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Red Level High School's "Touch of Class" Marching Band for outstanding achievement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Band Director Gary Bradley and Band Booster's President Ann Foley, with a copy also provided for appropriate display at Red Level High School.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-165 H.J.R. 188—Rep. Naramore

HOUSE JOINT RESOLUTION

COMMENDING THE HALEYVILLE HIGH SCHOOL GIRLS BASKETBALL TEAM, STATE 3A CHAMPIONS.

WHEREAS, the Alabama Legislature extends heartiest con-

gratulations to the Haleyville High School Girls Basketball Team, our State's 3A Champions; and

WHEREAS, led to a spectacular 21-1 season record by Coaches Cindy Little and Harold Thornton, and to the Crown, were All-Tournament players, seniors Tommie Rowe and Tina Edwards, and sophomore Shelly Pyles who was voted MVP as well; and

WHEREAS, completing the roster and individually contributing to the team's outstanding record were: seniors Denise Everheart, Lesa Trimm, Lou Ann Craig and Susan Pyles; junior Melissa Pierce; sophomores Nancy Jandovitz, Leigh Ann Hagedorn, Lynn Hagedorn and Angie Lyle; and freshman Shae Lindley; team managers were Tammie Rowe, Suzie Davis and Melanie Crumpton; and

WHEREAS, it is further to be noted, that no strangers to winning, the Haleyville High School Girls Basketball Team compiled a phenomenal 78-6 overall record for the three years previous to their championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Haleyville High School Girls Basketball Team, both as our State 3A Champions and for an outstanding four-year, 107-7 record.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Haleyville High School principal, Dr. Earl Daniel, with copies also provided for Coaches Little and Thornton, on behalf of their players and the team's managers.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-166 H.J.R. 202—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING COACH NELSON HUGHES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT

WHEREAS, in its desire to recognize individuals of exceptional achievement in their chosen field of endeavor, the Alabama Legislature today notes with utmost commendation the outstanding career of Coach Nelson Hughes of Livingston, Alabama; and

WHEREAS, Coach Hughes was graduated from Linden Academy High School, attended Mobile State Junior College and received his bachelor and master degrees from Alabama State University; and

WHEREAS, a highschool basketball coach for the past 25 years, Coach Hughes in 1971 and 1972 was Warrior Athletic Conference Coach of the Year; in 1972 and 1975 he coached the 3A-4A South All-Stars; and in 1975 was West Alabama Coach of the Year; and

WHEREAS, Coach of the Livingston High School Basketball Team for the past 11 years, where he has continued to excel, won his 500th high school basketball game, the only high school basketball coach in Alabama to achieve such an outstanding record; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Nelson Hughes of Livingston High School for his outstanding career and direct that a copy of this resolution be provided for Coach Nelson; his wife, Dora, and their daughters Cynthia, Stephanie and Angela; and for Livingston High School for appropriate display.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-167 H.J.R. 203—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING WRESTLER TIM MINOR OF HEWITT-TRUSSVILLE HIGH SCHOOL.

WHEREAS, it is with great pleasure that the Legislature of Alabama extends congratulations to wrestler Tim Minor of Hewitt-Trussville High School, the 167-pound titlest of the State 4A Wrestling Championships; and

WHEREAS, it is further to be noted that in claiming the crown, Tim Minor, a sophomore, easily defeated, 15-2, Lee of Montgomery's contender who had been unbeaten for two years; and

WHEREAS, exceptionally well coached by Hewitt-Trussville's Coach Ronnie Page, Tim Minor's record was 30-3 for the year; he also defeated, in state competition, the contestants who wrestled for third place, and the wrestler he beat in the semi-finals was unbeaten for the year, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend our State's 4A 167-pound Wrestling Champion, Tim Minor of Hewitt-Trussville High School, and direct that both he and Coach

Ronnie Page receive a copy of this resolution in token of our utmost praise and in warmest personal regard.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-168 H.J.R. 204—Rep. Edwards

HOUSE JOINT RESOLUTION

COMMENDING THE WILCOX COUNTY ACADEMY LADY WILDCATS, APSA GIRLS BASKETBALL CHAMPIONS.

WHEREAS, it is with utmost praise that the Alabama Legislature notes the outstanding record of the Lady Wildcats of Camden's Wilcox County Academy, APSA State Champions for the second straight year, and for the third time including the 1977-78 season, a record unequaled by any other school in the state; and

WHEREAS, further, the Lady Wildcats have participated in the state private school basketball playoffs for the past six years and, for the last five, have made it to the championship game; and

WHEREAS, two-year Head Coach Al Gibbs, who was an assistant coach for the Lady Wildcats from 1976 through 1980, has led his remarkable teams to a phenomenal seven-year 166-17 record; Coach Gibbs' assistants, also volunteers, are Coaches Mike Audry and Tammy Griswold; and

WHEREAS, leading to this year's championship, the Lady Wildcats beat Marengo Academy in the first game of the playoffs, Cahawba Christian in the quarterfinals, Morgan Academy in the semifinals and then downed West End Christian to claim their second state title, back-to-back; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Lady Wildcats of Wilcox County Academy for outstanding achievement and congratulate the team as three-time State Champions in APSA Competition.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Head Coach Al Gibbs on behalf of his assistants, Coaches Audry and Griswold, and his Champion Lady Wildcats, with a copy also provided for Headmaster Jack A. Clayton for appropriate display at Wilcox County Academy.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-169 H.J.R. 205—Rep. Edwards

HOUSE JOINT RESOLUTION

COMMENDING MISS NEILE CHESTNUT OF WILCOX COUNTY ACADEMY FOR OUTSTANDING ATHLETIC AND SCHOLASTIC ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with commendation the selection of Miss Neile Chestnut as Most Valuable Player in the Alabama Private School Association's State Girls Basketball Tournament; and

WHEREAS, Miss Chestnut, who is the daughter of Mr. and Mrs. Billy Chestnut of Camden, has been active in sports at Wilcox Academy for the past five years and, in addition to basketball, also excels in track and was MVP of last year's State Meet; and

WHEREAS, an early senior by virtue of double promotion, Miss Chestnut maintains a 4-point scholastic average and is vice president of the Wilcox County Academy's Student Government Association and is president of the Senior Beta Club and Pep Club; and

WHEREAS, she is listed in Who's Who of American High School Students, is a member of the Society of Distinguished American High School Students and was voted Most Likely to Succeed by her classmates at Wilcox County Academy; and

WHEREAS, Miss Chestnut's achievements further include the DAR Good Citizenship Award and her selection as a delegate to Girls State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Neile Chestnut of Camden, Alabama, for extraordinary achievement both as a champion athlete and as one of our state's most outstanding high school students.

BE IT FURTHER RESOLVED, That Miss Chestnut receive a copy of this resolution in token of our sincere admiration and in expression of our warm best wishes for every future success.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-170 H. 608—Rep. Minus

AN ACT

Relating to Choctaw County; to provide an expense allowance for the members of the county board of education which shall be in lieu of all other expense allowances provided for by law.

Be It Enacted by the Legislature of Alabama:

Section 1. In Choctaw County, the county board of education shall receive an expense allowance in the amount of $200 per month which shall be paid out of the same funds as their normal compensation. The expense allowance provided for by this Act shall be in lieu of any and all other expense allowances In District provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 30, 1982

Time: 3:00 P.M.

Act No. 82-171 H. 652—Rep. Willis

AN ACT

To propose an amendment to the Constitution of Alabama relating to court costs and charges in Calhoun County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The county governing body may from time to time, by resolution fix, alter and regulate the costs and charges of courts in Calhoun County, and the method of disbursement thereof, upon notice to affected citizens not less than 60 days from the effective date. Provided, however, a majority of the qualified electors of the county shall first give approval therefor in an election called by the county governing body to determine this issue; provided further, however, that if a majority of the qualified electors of Calhoun County who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the first primary election in September 1982, at least three months next succeeding the final adjournment

of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House March 23, 1982

Passed the Senate March 30, 1982

Act No. 82-172 H. 49—Reps. Bowling, Brakefield

AN ACT

Relating to Winston County; providing further for additional costs and charges in any court in any criminal proceeding, whether in municipal, district or circuit court; prescribing that the net revenues thereby collected be deposited in the Sheriff's Fund for law enforcement purposes in the county; providing for a referendum by the qualified voters of Winston County at an election called for the purpose of approving or disapproving such additional costs or charges; and providing that the provisions of this act shall become null and void unless a constitutional amendment relating to Winston County and court costs and charges is ratified.

Be It Enacted by the Legislature of Alabama:

Section 1. A total fee in the amount of eight dollars ($8.00) for costs and charges in criminal cases in any court of Winston County, whether municipal, district or circuit court, shall be collected by the clerk of any such court and shall be deposited in the Sheriff's Fund of Winston County for law enforcement purposes.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall become effective upon a majority of the qualified electors of the county approving, at a referendum election called for the purpose, the levying of additional court costs and charges in Winston County. Such election

shall be called at the same election at which the proposed constitutional amendment, passed in the current session of the Legislature relating to costs and charges of court in Winston County, appears on the ballot; provided, however, the provisions of this act shall not become operative unless the said constitutional amendment is ratified by a majority of the qualified electors who vote thereon at a referendum election. If a majority of the qualified electors voting at said election shall not approve the said constitutional amendment, the provisions of this act shall become null and void.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-173 H. 487—Rep. Blake

AN ACT

Relating to St. Clair County, repealing Act No. 107, H. 468, Regular Session 1973, (Acts 1973, p. 140), which required county and municipal governing bodies in St. Clair County to publish certain financial data.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 107, H. 468, Regular Session 1973, (Acts 1973, p. 140), is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-174 H. 568—Rep. Wyatt

AN ACT

Relating to Montgomery County; providing further for the compensation of the sheriff effective upon the expiration of the present term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the expiration of the present term of office, the sheriff of Montgomery County shall receive a total salary of $35,000 per year. The salary herein provided shall constitute the total compensation payable to the sheriff, in lieu of any and all salary, allowance or other compensation heretofore provided by law. The salary herein provided shall be payable in equal monthly installments

from the county treasury.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-175 H. 578—Rep. Venable

AN ACT

Relating to Elmore County; providing further for the compensation of the Sheriff beginning at the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office in January 1983, the sheriff of Elmore County shall receive a salary of twenty-eight thousand dollars ($28,000.00) per annum. Said salary shall be the total compensation and shall be in lieu of any and all other salary, expense allowance or compensation heretofore provided by law and shall be payable in equal monthly installments from the county general fund.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-176 H. 579—Rep. Venable

AN ACT

Relating to Elmore County; providing further for the compensation of the Probate Judge beginning at the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office in January 1983, the probate judge of Elmore County shall receive a salary of thirty-three thousand dollars ($33,000.00) per annum. Said salary shall be the total compensation and shall be in lieu of any and all other salary, expense allowance or compensation heretofore provided by law and shall be payable in equal monthly installments from the county general fund.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-177 H. 330—Reps. Waggoner, Bennett, Lewis, Cabaniss

AN ACT

To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from $.88 to $1.38 on each $100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature finds and confirms that pursuant to paragraph (f) of Amendment 373 of the Constitution of Alabama, the County Board of Education of Jefferson County (the "Board"), and the Jefferson County Commission of Jefferson County (the "County Commission"), after separate public hearings thereon, have each proposed that the County Commission increase above the limit otherwise provided in the Constitution, the rate at which the ad valorem tax, hereinafter described, is levied on the taxable property in the Jefferson County School District, consisting of all areas of

Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City and Midfield (the "School District").

Section 2. The Legislature hereby approves the aforesaid proposal and authorizes the County Commission to increase the rate at which the ad valorem tax levied pursuant to the election held in the School District on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment (Amendment No. 82), adjusted in accordance with Amendment Nos. 325 and 373 to the Alabama Constitution, for public school purposes in the School District, from 88 cents to $1.38 on each $100 of taxable property in the School District, the proceeds of said tax to be used for public school purposes in the School District, and to continue each year to and including the tax year ending September 30, 1995. It is expressly provided that the increased levy of taxation shall not apply to totally disabled persons or persons over 65 years of age, either of whom have income of less than $12,000.00 per annum, and such persons shall not be required to pay the additional tax herein imposed. Provided, however, the rate of said tax shall not be so increased unless and until said proposed increase shall be approved by a majority of the qualified electors residing in the School District who vote on the proposal at a special election called therefore. The election for submittal of said proposed increase in the rate of said tax shall, at the written request of the Board, be ordered by the County Commission and shall be held and conducted in accordance with Sections 16-13-183, et seq., Code of Alabama 1975.

Section 3. It is further provided that if the increased tax herein proposed becomes effective, it shall not apply to property owners whose property is subsequently annexed into the corporate limits of a municipality having its own public school system on and after tax year beginning after such annexation.

Section 4. The provisions of this Act are hereby declared severable, and if any of its sections, provisions, clauses, phrases or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matters had not been included therein.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-178 H. 594—Rep. Higginbotham

AN ACT

Relating to Lauderdale County; to amend Section 17 of Act No. 79-107, H. 171, Regular Session 1979 (Acts 1979, p. 129), which act creates the office of license commissioner, so as to provide further for the fee charged for the issuance of motor vehicle tags by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17 of Act No. 79-107, H. 171, Regular Session 1979 (Acts 1979, p. 129) is hereby amended to read as follows:

"Section 17. Said commissioner shall charge and collect a reasonable fee which is adequate to cover the necessary handling, packaging and mailing expenses for each motor vehicle tag issued by mail, in addition to all other fees prescribed by law. Such additional fees shall be paid by the owner of the motor vehicle with his mailed request for license tags and such fees collected by said commissioner shall be paid into the general fund of the county. The actual expense of mailing application forms to the owners of motor vehicles and of mailing tags as hereinabove provided, shall be paid from the general fund of the county upon warrants signed by said commissioner and approved by the county governing body. The procedure authorized by this Act for the payment of ad valorem tax and motor vehicle license tax and the issuance of license tags shall be an optional alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive a tag in person without the payment of an additional fee."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-179 H. 613—Reps. Cates and Wyatt

AN ACT

To amend Section 1 of Act 81-1127, Acts of Alabama, 2nd Special Session 1981, so as to provide that the methods of service of summons and complaints and subpoenas authorized therein for Crenshaw County are in addition to any other mode of service provided by law or rule.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 81-1127, Acts of Alabama, 2nd Special Session 1981, is hereby amended to read as follows:

"Section 1. In the service of summons and complaints or

In the service of summons and complaints or subpoenas requiring the attendance of witnesses in any civil, criminal, equity, or other case or proceeding in either the small claims court, district court or circuit court of Crenshaw County, whether civil, criminal or juvenile, or whether before the grand jury, may, in addition to any other mode of service provided by law or rule, be served by the sheriff or constable personally or by leaving a copy thereof at the place of residence of the witness, or the sheriff may serve the same by placing a copy thereof in the United States mail, certified, return receipt requested, enclosing the subpoena in an envelope properly stamped and addressed to the person or witness to be served. Upon service by the sheriff upon any witness or person by any one of the foregoing methods, provided in this act, the sheriff shall immediately mark the process executed. If the subpoena so mailed is not delivered to the address but is returned to the sheriff by the United States Post Office Department, then the sheriff shall immediately make a diligent effort to serve the subpoena either personally or by leaving a copy thereof at the place of residence of the witness.

Section 2. Anything to the contrary notwithstanding, in Section 1 above, any judge having jurisdiction of the proceeding or case may, on motion of any party or on the court's own motion, order any particular subpoena or the subpoenas in any case or proceeding to be served personally or by leaving a copy thereof at the place of residence of the said witness or person or by United States registered or certified mail.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law."

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-180 H.J.R. 186–Reps. Shavers, Hall, Stout

HOUSE JOINT RESOLUTION

COMMENDING THE PISGAH LADY EAGLES, STATE 2A

GIRLS BASKETBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama notes with warm congratulations the State 2A Girls Basketball Championship captured by the Lady Eagles of Jackson County's Pisgah High School; and

WHEREAS, the Area 15 and Region 8 Champions also won the Pisgah Invitational, Sand Mountain and Jackson County Tournaments, and ended the season with a sensational 30-1 record under Coaches Butch Cassidy and Dwight Griffith; and

WHEREAS, Pisgah's lady cagers are Donna Carter, Deedra Tripp, Cherie Thornhill, Robin Gant, Pam Hicks, Donna Butler, Shelia Moore, Rhonda Temple, Miranda Tinker and Kim Underwood, each of whom is to be heartily congratulated for her contributions to the Lady Eagles' Championship season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend the State 2A Girls Basketball Champions, the Pisgah High School Lady Eagles, and direct that each member of the team and Coaches Cassidy and Griffith receive a copy of this resolution, tendered in sincere praise of their accomplishments.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-181 H.J.R. 187—Rep. Harvey

HOUSE JOINT RESOLUTION

COMMENDING MR. HAL C. BUCKELEW, ONEONTA CHAMBER OF COMMERCE CITIZEN OF THE YEAR.

WHEREAS, the Alabama Legislature in pleased concurrence notes the selection of Mr. Hal C. Buckelew as the recipient of the Oneonta Chamber of Commerce Citizen of the Year Award, a signal honor bestowed upon Mr. Buckelew in recognition of outstanding contributions to the community; and

WHEREAS, Mr. Buckelew, who is vice president of The Citizen's Bank, was cited at the awards presentation for his service as a member of the Oneonta City Council from 1972-1976, during which term action was taken by the Council to construct the new Oneonta City School facility; and

WHEREAS, in further expressing appreciation, note was taken of Mr. Buckelew's successful efforts as a former Chamber of Commerce president in organizing and directing the Oneonta Run which has

since become an annual Chamber-sponsored event; and

WHEREAS, he also is an actively involved member, with his family, of the Lester Memorial United Methodist Church and has held a number of church offices; he is a past president of the Oneonta PTA, 1980 Chairman of United Way, 1980-81 Chairman of Blount Company's leukemia and heart fund campaigns, and was a member of the Boy Scouts' Council of America from 1970 to 1976, heading his county's Boy Scouts Sustained Membership Drive as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Hal C. Buckelew for outstanding community service; we further congratulate him as Citizen of the Year and direct that he receive a copy of this resolution in token of our regard.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-182 H.J.R. 215—Reps. Smith (J), Albright, Gregg, Hall, Smith (M), Riddick

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE ICE HOCKEY TEAM.

WHEREAS, the Alabama Legislature proudly notes that the University of Alabama in Huntsville's Ice Hockey Team captured the national title by defeating Southern Methodist University 14-2 in the Jofa Invitational Club Hockey National Championship Tournament on the Colorado University campus; and

WHEREAS, the University of Alabama hockey Chargers have routed the country's top-ranked teams this season with a 6-1 win over Colorado University in an exhibition match, a 4-3 victory over Penn State, and a 6-2 defeat of Northern Arizona in addition to the SMU win; and

WHEREAS, in only three years of existence, the team captured three consecutive Southern Collegiate Hockey Association regular season titles and three straight SCHA tournament titles; and

WHEREAS, the team finished this most successful year with a 30-2-1 record; and

WHEREAS, the Chargers' goalie, Steve Moerner, was named the Most Valuable Player in the tournament; and

WHEREAS, this outstanding team under the dedicated and inspired coaching of Joe Ritch has brought honor and recognition to UAH: now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the championship ice hockey team for making the University of Alabama in Huntsville a force of importance on the national sports scene.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Joe Ritch on behalf of his champion Chargers and in token of our sincere pride in the team's outstanding accomplishments.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-183 H.J.R. 220—Reps. Mitchell, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable,

Waggoner, Ward, Warren,
Whatley, Williams, Willis, Wyatt,
Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA SWIM TEAM, SEC CHAMPIONS

WHEREAS, the University of Alabama had one of its most exciting swimming seasons ever with a solid dual meet 8-1 record, and unbeaten in Southeastern Conference competition going into the SEC Championships, which the Tide dominated to gain their first SEC title; and

WHEREAS, currently ranked 4th in the national standings, according to the latest coaches poll released by Swimming World magazine, Alabama began its trek to the Championship with a big victory over South Florida; and

WHEREAS, with its only loss to Miami, now ranked 9th in the country, the Tide scored wins in matches with the University of South Carolina, Clemson, Florida, Auburn, Tulane, LSU and Tennessee; and

WHEREAS, in addition to the 40th Annual SEC Swimming and Diving title, Alabama also had individuals gain the highest achievement in the SEC with Southeastern Conference Swimmer of the Year going to junior Greg Higginson who won three individual medals and swam with the winning relay team; freshman Craig Ford took SEC Diver of the Year by dominating one and three meter competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the University of Alabama Swim Team as Southeastern Conference Champions and wish them well in NCAA competition for the national title.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the University of Alabama in declaration of our utmost commendation for the Tide's sensational success in this season's swimming competition.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-184 H.J.R. 221—Rep. Minus

HOUSE JOINT RESOLUTION

COMMENDING LIVINGSTON STATE UNIVERSITY'S BASKETBALL TEAM, GULF SOUTH CONFERENCE TOURNAMENT CHAMPIONS.

WHEREAS, the Legislature of Alabama expresses utmost pride in Livingston State University as Gulf South Conference Tournament Champions and as participants in the NCAA Division II South Region Playoffs; and

WHEREAS, it is to be noted that with a 3-5 record at Christmas break, Livingston State University finished at 20-10 overall and won the Gulf South Conference Regular Season Championship with a 10-2 record and both losses by just one point; and

WHEREAS, in participation in Division II competition, the Livingston State University Cagers defeated Biscayne College 75-72 in the first round of play before losing to the host team and defending National Champions, Florida Southern, in triple overtime; and

WHEREAS, Head Coach Ed Murphy, who led his team to such an outstanding season, was named Conference "Coach of the Year" for the second consecutive year; and

WHEREAS, Junior guard Will Cotchery was named to the All-Gulf South Conference Team, All-Region Tournament Team, All-Region Team and was Conference "Player of the Year"; Senior forward Marvin Wesley and Senior guard Randy Terry also were named All-Gulf South Conference with forward Wesley making All-Region Tournament as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Livingston State University's Championship Basketball Team and direct that a copy of this resolution be sent to Coach Murphy with a copy also provided for appropriate display at Livingston State University.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-185 H.J.R. 223—Reps. Moore, Rains

HOUSE JOINT RESOLUTION

COMMENDING AIRMAN APPRENTICE JEFFERY W. BETHUNE FOR EXTRAORDINARY BRAVERY SHOWN ABOARD THE U.S.S. NIMITZ.

WHEREAS, the Legislature of Alabama takes great pride in recognizing the outstanding bravery shown by our fellow Alabamian, Airman Apprentice Jeffery W. Bethune, on May 26, 1981, while he was aboard the U.S.S. Nimitz; and

WHEREAS, on that tragic night, a radar-jamming jet crashed during a night landing on the flight deck of the U.S.S. Nimitz, the world's largest aircraft carrier; and

WHEREAS, the aforementioned disaster resulted in the loss of life of 14 persons and injury to 45 others; and

WHEREAS, Jeffery W. Bethune who, after being knocked out on the deck of the aircraft carrier, placed himself in grave personal danger by assisting in extinguishing the flames from the fire that followed the crash; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Jeffery W. Bethune, from Leeds, Alabama, on his exemplary display of heroism and bravery aboard the U.S.S. Nimitz.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to him as a token of our great esteem and regard.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-186 H.J.R. 229—Reps. Harper (O), Turnham, McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford,

Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. CHARLES CRAYTON ADAMS, III, FORMER SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, the Alabama Legislature grievously notes the death of Mr. Charles Crayton Adams, III, of Alexander City, Alabama, on March 8, 1982, at the age of 69 years; and

WHEREAS, a native and lifelong resident of Tallapoosa County, Mr. Adams was a former Probate Judge and was County Commission Chairman for a number of years; and

WHEREAS, Mr. Adams also was a member of the Alabama House of Representatives, first elected to the 1951 term; he subsequently was twice re-elected and served as Speaker of the House in 1959 and 1960, until his appointment by Governor John Patterson to the probate judgeship in Tallapoosa County; and

WHEREAS, in further civic involvement, Judge Adams was a former longtime member of the Alexander City Housing Authority, had served as Deputy Regional Commissioner for the Housing and Urban Development Office and was an organizer and board member of the American Federal Savings and Loan Association; he was a charter member of the Alexander City Lions Club, an organizer of the first Alexander City Jaycees Chapter and was a member of the First United Methodist Church; and

WHEREAS, Mr. Adams was one of Tallapoosa County's most prominent and beloved citizens and had been honored numerous times by the community he served; he was the Chamber of Commerce "Man of the Year" in 1958 and, in 1980, was recognized by his fellow citizens when a "Charles C. Adams Day" was held in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Charles Crayton Adams, III, and extend our most heartfelt sympathy to his wife, Mrs. Kitty Adams, their two daughters, Mrs. Kitty Lynn Bergin and Mrs. Libba Roby, and other family members to whom a copy of this resolution shall be sent.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-187 H.J.R. 231—Rep. Venable

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM ALAN BEDSOLE

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the death of William Alan Bedsole of Millbrook, Alabama, at the young age of 19 years; and

WHEREAS, Alan tragically lost his life in an automobile accident on March 2, 1982, while visiting relatives in Winter Haven, Florida; and

WHEREAS, Alan, a lifelong resident of Millbrook, Alabama, attended Stanhope Elmore High School in Millbrook and John Patterson Trade School in Montgomery, Alabama; and

WHEREAS, Alan, a member of Millbrook Baptist Church, was much admired and loved by those privileged to share his life; and

WHEREAS, Alan was a true and avid Sportsman in every sense; his ability and achievement at raising and training Coon Hounds can be noted through the numerous trophies he received in Statewide Bench Shows and the mounted trophies he bagged; and

WHEREAS, even as we grieve, we give thanks for Alan's short life, a life of devotion to his family and of care and concern for others; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William Alan Bedsole and extend our deepest heartfelt sympathy to his parents Wilburn and Genella Bedsole; his brother, Kyle Bedsole; his grandparents, Mrs. Mary Bedsole and Mrs. Pearl Adair; his nephews, Ronny and John Bedsole; to whom copies of this resolution shall be sent that they may know of our sincere sympathy and concern for them in their time of great sorrow and grief.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-188 S. 90—Mr. Hilliard

AN ACT

To provide members of the governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supersedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The Council or other governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census, shall have the power and authority to grant to any member of such council or other governing body an amount of money for expenses incurred by such member on account of such member's attending the business of such municipality within its corporate limits. The maximum expense allowance shall be Three Hundred ($300.00) Dollars per month for each member of the Council, except the President or Chairman of the Council or other governing body who may be given an allowance not to exceed Three Hundred Fifty ($350.00) Dollars per month.

Section 2. In addition to the authority granted by Section 1 hereof, the Council or other governing body of Class I municipalities in Alabama and all municipalities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census commencing November 15, 1983, shall have the power and authority to grant to any member of such council or other governing body who was elected for a term commencing in November, 1981, an amount of money in addition to that provided in Section 1 above, for expenses incurred by such member on account of such member's attending the business of such municipality within its corporate limits. The maximum additional expense allowance shall be Two Hundred ($200.00) Dollars per month for each such member of the Council. No such additional expense allowance shall be paid to any Council member after November 15, 1985.

Section 3. The provisions of this Act shall not be construed so as to prevent any such member of such council or other governing

body from being reimbursed for actual expenses incurred by him on or in connection with a trip on municipal business beyond the corporate limits of such municipality, which amount shall not accrue against the monetary amounts provided in Section 1.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this Act shall supersede the provisions of Section 1 and 2 of Act 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195).

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-189 S. 130—Mr. Hilliard

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy as provided in sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend sections 34-24-191, 34-24-192, 34-24-193, 34-24-194, 34-24-210, 34-24-211, 34-24-212, 34-24-213, 34-24-214, 34-24-215, 34-24-216, and 34-24-217 so as to define "foreign trained physical therapist" and license such persons under certain circumstances; to allow the board or a nationally recognized accrediting agency to approve training programs; to provide for the endorsement of individuals licensed by other states; to remove a grandfather clause, the purpose of which has been served; to clarify ambiguous language concerning license renewal; to eliminate certain requirements of board members and certain references to "The American Physical Therapy Association"; to change the name of "physical therapy assistant" to "physical therapist assistant"; to remove the board from being a "collection agency" and grant the board the authority to approve examinations.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Physical Therapy, and voted to recommend the continuance of the board created and functioning pursuant to sections 34-24-190

through 34-24-217, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Physical Therapy, created and functioning pursuant to sections 34-24-190 through 34-24-217 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-24-191, 34-24-192, 34-24-193, 34-24-194, 34-24-210, 34-24-211, 34-24-212, 34-24-213, 34-24-214, 34-24-215, 34-24-216, and 34-24-217 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 34-24-191.

"(a) For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed by this section:

"(1) PHYSICAL THERAPY. The treatment of a human being by the use of exercise, massage, heat, cold, water, radiant energy, electricity or sound for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability, or the performance of neuro-muscular-skeletal tests and measurements to determine the existence and extent of body malfunction; provided, that physical therapy shall be practiced only upon the referral of a physician licensed to practice medicine or surgery and a dentist licensed to practice dentistry and shall not include radiology or electrosurgery.

"(2) PHYSICAL THERAPIST. A person who practices physical therapy.

"(3) PHYSIOTHERAPIST. Synonymous with the term 'physical therapist,' and said term shall be used to identify only those persons registered under this article. The physical therapist may use the letters 'P.T.' or 'R.P.T.' in connection with his name or place of business to denote his registration hereunder.

"(4) PHYSICAL THERAPIST ASSISTANT. A person who assists in the practice of physical therapy and whose activities require an understanding of physical therapy but do not require professional or advanced training in the anatomical, biological and physical sciences involved in the practice of physical therapy. The physical therapist assistant shall practice only under the direction of a registered physical therapist.

"(5) PHYSICAL THERAPY TECHNICIAN. Synonymous

with the term 'physical therapist assistant,' and said term shall be used to identify only those persons licensed under this article. The physical therapist assistant may use the letters 'L.P.T.A.' in connection with his name to denote his being licensed hereunder.

"(6) BOARD. The board of physical therapy established by section 34-24-192.

"(7) FOREIGN TRAINED PHYSICAL THERAPIST. A person trained or educated in the practice of physical therapy outside of the United States or any of its territorial possessions.

"(b) Words importing the masculine gender shall include the feminine."

"Section 34-24-192.

"(a) Composition; appointment and terms of members. The board of physical therapy shall consist of three members, appointed by the governor from a list of three persons nominated for each place on such board by the Alabama chapter of the American Physical Therapy Association. The board members shall be appointed for staggered terms of three years each, so that one member's term expires each year. The members of the board serving when this amendment becomes effective shall serve out the terms for which they were, respectively, appointed. Their successors shall be appointed in the manner hereinabove prescribed.

"(b) Qualifications of members. Each board member shall:

"(1) Be a resident of this state; and

"(2) Have practiced physical therapy within the state of Alabama for the three years preceding his appointment.

"(c) Vacancies. Any vacancy within a term shall be filled by appointment of the governor from a list of three nominees submitted by the Alabama chapter of the American Physical Therapy Association.

"(d) Officers; compensation and expenses of members. The board shall designate one of its members as chairman, one as secretary and one as treasurer. Members of the board shall receive a fee for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed for their actual expenses incurred in the performance of their duties. The exact amount of the above-mentioned fee shall be fixed by the board."

"Section 34-24-193.

"It shall be the duty of the board to pass upon the qualifications

of applicants for registration as physical therapists and licensing as physical therapist assistants, to conduct examinations, to issue licenses and renewals to physical therapists and physical therapist assistants qualifying under this article and in a proper case to suspend or revoke the registration or license of such persons. The board may adopt rules and regulations not inconsistent with law as it may deem necessary for the performance of its duties but shall not issue any rules or regulations that require a physical therapy assistant to be within sight of a consulting physical therapist or a physical therapist supervisor while working under the direction of that physical therapist. The board shall maintain a register listing the name of every living physical therapist and physical therapist assistant registered or licensed in this state, his last known place of business and last known place of residence and the date and number of his license. The board shall compile a list of physical therapists and physical therapist assistants registered or licensed to practice in this state, and such list shall be available to any person upon application to the board and the payment of such charge as may be fixed by the board. Subject to the provisions of section 34-24-195, the board shall have the power to make such expenditures and employ such personnel as it may deem necessary for the administration of the provisions of this article. (Acts 1965, No. 476, p. 686, § 5; Acts 1969, No. 622, p. 1128, § 4.)"

"Section 34-24-194.

"Any person may file a complaint with the board against any registered physical therapist or licensed physical therapist assistant in the state charging said person with having violated the provisions of this article. The complaint shall set forth specifications of charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he is charged. When such complaint is filed, the secretary of the board shall mail a copy thereof to the accused by registered mail at his address of record, with a written notice of the time and place of hearing thereof, advising him that he may be present in person and by counsel if he so desires to offer evidence and be heard in his defense.

"At the time and place fixed for the hearing, the board shall receive evidence upon the subject matter under consideration and shall accord the person against whom charges are preferred a full and fair opportunity to be heard in his defense. The board shall not be bound by strict or technical rules of evidence, but shall consider all evidence fully and fairly; provided, that all oral testimony considered by the board must be under oath. If the board is convinced that the registered physical therapist or the licensed physical therapist assistant has violated the provisions of this article, it shall immediately revoke his license.

"The action of the board in revoking or refusing to issue a license may be reviewed by the circuit court of Montgomery county by a writ of mandamus, accompanied by a bond to be approved by the court, to determine whether the board acted arbitrarily, capriciously or illegally. The review procedure provided herein shall not suspend the action of the board in the revocation or refusal of a license. (Acts 1965, No. 476, p. 686, § 13; Acts 196, No. 622, p. 1128, § 12.)"

"Section 34-24-210.

"(a) Registration required. – No person shall practice nor hold himself out to be able to practice physical therapy in this state unless he is registered in accordance with the provisions of this article.

"(b) License required. – No person shall act nor hold himself out as being able to act as a physical therapist assistant unless he is licensed in accordance with the provisions of this article.

"(c) Other healing arts not affected. – Nothing in this article shall prohibit any person licensed to practice any other of the healing arts in this state under any other law from engaging in the practice for which he is licensed. (Acts 1965, No. 476, p. 686, § 3; Acts 1969, No. 622, p. 1128, § 2.)"

"Section 34-24-211.

"An applicant for registration as a physical therapist or for a license as a physical therapist assistant shall file a written application on forms provided by the board together with fee as set by the board, no part of which will be returned. The applicant shall present evidence satisfactory to the board that he is of good moral character and that he has completed a program of physical therapy education appropriate for training a physical therapist or a physical therapist assistant, as the case may be, approved by the board or a nationally recognized accrediting agency."

"Section 34-24-212.

"(a) Generally. – The board shall give an appropriate examination to every applicant who complies with section 34-24-211 and who pays the fee prescribed for the examination. Examinations shall be held within the state at least once each year, at such times and places as the board determines. A practical or demonstration examination may be required at the discretion of the board when an applicant is retaking a written examination after previously having failed such an examination.

"(b) Physical Therapist – The examination given applicants for registration as a physical therapist shall be a written examination, approved by the Board. Such examination shall test the applicants

knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures and such other subjects as the Board may deem useful to test the applicants fitness to practice physical therapy. A practical or demonstration examination may be required if so determined by the Board."

"(c) Physical Therapist Assistant – The examination given applicants for licensing as physical therapist assistant will be a written examination, approved by the Board. Such examination shall test the applicants knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures, and such other subjects as the Board may deem useful to test the applicants fitness to act as a physical therapist assistant. A practical or demonstration examination may be required if so determined by the Board."

"(d) FOREIGN TRAINED PHYSICAL THERAPIST – Any foreign trained physical therapist who plans to practice in the State must have their educational credentials evaluated by a recognized educational evaluation agency and have that agency send their report directly to the Board. The Board will determine the acceptability of equivalency in educational preparation. If the Board rules the education to be acceptable the routine application process will be followed."

"Section 34-24-213.

"The board shall issue a license to each applicant who passes the appropriate examination for registration as a physical therapist or licensing as a physical therapist assistant in accordance with standards fixed by it and who is not disqualified to receive a license under the provisions of section 34-24-217. (Acts 1965, No. 476, p. 686, § 8; Acts 1969, No. 622, p. 1128, § 7.)"

"Section 34-24-214.

"On payment to the board of a fee set by the board and the submission of a written application on forms provided by the board, the board shall issue a license without examination to:

"(1) A person who is qualified within the meaning of this article as a physical therapist by another state of the United States of America, its possessions or the District of Columbia, if the requirements for licensing or registration in such state, possession or district were at the date of his licensing or registration by such state substantially equal to the requirement for the initial licensing of persons practicing physical therapy when this article became effective, August 20, 1965, or for licensing by examination prepared by the professional examining service as set forth in the article and any additional require-

ments prescribed by the board.

"(2) A person who is qualified within the meaning of this article as a physical therapist assistant by another state of the United States of America, its possessions or the District of Columbia, if the requirements for licensing in such state, possession or district were at the date of his licensing by such state substantially equal to the requirements set forth in this article."

"Section 34-24-215.

"(a) On payment to the board of a fee set by the board, and on submission of a written application on forms provided by the board, the applicant shall be issued without examination a temporary license to practice physical therapy or to act as a physical therapist assistant in this state for a period not to exceed one year, if said person meets the qualifications set forth in section 34-24-211 and submits evidence satisfactory to the board that he is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project.

"(b) Upon the submission of a written application on forms provided by the board, a person who has applied for a license under the provisions of section 34-24-211 and who is, in the judgment of the board, eligible to take the examination provided for in section 34-24-212, may be issued a temporary license by the board. Such temporary license shall be available to an applicant only with respect to his first application for a license under section 34-24-211, and such license shall expire when the board makes a determination with respect to said application. (Acts 1965, No. 476, p. 680, § 10; Acts 1969, No. 622, p. 1128, § 9.)"

"Section 34-24-216.

"All licenses issued by the board to physical therapists and physical therapist assistants shall expire on the first day of October of the year next succeeding the issuance thereof. A license may be renewed on the payment, on or before November first of each year, to the board of a fee set by the board. A license which has expired may, within five years of its expiration date, be renewed on the payment to the board of a fee set by the board for each year or part thereof during which the license was ineffective and the payment of a restoration fee set by the board. After said five-year period, a license may be obtained only by complying with the provisions hereinabove relating to the issuance of an original license."

"Section 34-24-217.

"The board shall refuse to issue a license to any person and, after notice and hearing in accordance with its regulations and rules,

shall suspend or revoke the license of any person who has:

"(1) Practiced physical therapy other than upon the referral of a physician licensed to practice medicine or surgery, and a dentist licensed to practice dentistry; or practiced as a physical therapist assistant other than under the direction of a registered physical therapist;

"(2) Used drugs or intoxicating liquors to an extent which affects his professional competency;

"(3) Been convicted of a felony or of a crime involving moral turpitude;

"(4) Obtained or attempted to obtain a license by fraud or deception;

"(5) Been grossly negligent in the practice of physical therapy or in acting as a physical therapist assistant;

"(6) Been adjudged mentally incompetent by a court of competent jurisdiction;

"(7) Been guilty of conduct unbecoming a person registered as a physical therapist or licensed as a physical therapist assistant or of conduct detrimental to the best interest of the public;

"(8) Been convicted of violating any state or federal narcotic law;

"(9) Treated or undertaken to treat human ailments otherwise than by physical therapy as defined in this article;

"(10) Advertised unethically according to standards as set by the board; or

"(11) Failed or refused to obey any lawful order or regulation of the board."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-190 S. 417—Mr. Mitchem

AN ACT

Relating to Marshall County; providing further for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority and repealing Acts 81-935, H. 45, and 81-963, S. 58, 1981 First Special Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The distribution of the share of in-lieu-of-taxes payments of T. V. A. for Marshall County and the appropriate municipalities therein shall be as follows:

(A) 25% of the total amount allocated to Marshall County and the appropriate municipalities therein shall be distributed between the Marshall County Board of Education, the Arab Board of Education and the Guntersville Board of Education on a per pupil basis based on the student enrollment of the respective schools at the beginning of each school year;

(B) Of the remaining amount received by the Marshall County Commission:

(1) 20% shall go to the county road and bridge fund.

(2) the remaining amount of the county's share shall be paid into the county general fund.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed and specifically Act No. 81-935, H. 45, 1981 First Special Session and Act No. 81-963, S. 58, 1981 First Special Session are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-191 S.J.R. 83—Mr. Gulledge

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. M. VAUN ADAMS, PROMINENT MOBILE PHYSICIAN AND CIVIC LEADER.

WHEREAS, the Alabama Legislature is deeply saddened by the death of Dr. M. Vaun Adams of Mobile, Alabama, on February 8, 1982, at the age of 78 years; and

WHEREAS, though a native of Talladega, Dr. Adams had been a resident of Mobile and in the private practice of pediatrics since 1931; and

WHEREAS, he was a graduate of Mobile's Barton Academy and of the University of Alabama, and received his M.D. Degree from the University of Pennsylvania, followed by internships served at Oncologic Hospital in Philadelphia, Employee's Hospital, TCI, in Fairfield, Alabama, and at Children's Hospital in Cincinnati and Willard Parker Hospital in New York City as well; and

WHEREAS, in dedicated service to his profession, Dr. Adams was president of the Mobile County Medical Society in 1954 and the Medical Association of the State of Alabama in 1962-1963; he was a past president also of the Alabama Pediatric Society and the Alabama Chapter of the American Academy of Pediatrics, a fellow of the American College of Physicians and a licentiate of the American Board of Pediatrics in 1940; and

WHEREAS, he further served three terms as president of the Mobile Infirmary medical staff and was president of the medical staff of Mobile General Hospital; and

WHEREAS, Dr. Adams, who was appointed in 1962 to the Board of Directors of the Mobile County Foundation for Public Higher Education, served in such capacity until 1976, during which years he was instrumental in the founding of the University of South Alabama and in the establishment of that institution's School of Medicine; and

WHEREAS, his generous professional and civic involvement extended further to include membership on the Board of Trustees of the United Fund and participation in numerous other of his community's affairs; and

WHEREAS, thus, even as we grieve, we also give thanks for Dr. Adams' full and useful life, a life of devotion to his family and friends and of care and concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. M. Vaun Adams of Mobile, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Florence Austin Adams, and to Mrs. Anita Adams Caver, daughter of Dr. Adams and the late Leonora Hope Adams, to whom copies of this resolution shall be sent in declaration of our shared sorrow in their great loss.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-192 S.J.R. 156—Mr. Hilliard

SENATE JOINT RESOLUTION

COMMENDING MRS. RUBY CALDWELL PICKENS OF ENSLEY, ALABAMA, UPON HER SELECTION AS ONE OF THE OUTSTANDING YOUNG WOMEN OF AMERICA FOR 1981.

WHEREAS, it is with a sense of great pride that the Alabama Legislature notes the recent selection of Mrs. Ruby Caldwell Pickens as one of the Outstanding Young Women of America of 1981; and

WHEREAS, Mrs. Pickens of Ensley, Alabama, is currently the administrative secretary to the technical dean of Lawson State Community College; and

WHEREAS, as a result of her capabilities and exemplary performance, she has recently been selected to serve on the State Department of Education's Postsecondary Advisory Committee on Policy Matters; and

WHEREAS, in addition to her numerous contributions to the field of education, Mrs. Pickens has provided leadership to others as a member of St. Peter Missionary Baptist Church, where she serves as the president of the No. 2 Usher Board, teacher for the Matrons, No. 2 Choir member and secretary of the Deaconess Board; and

WHEREAS, by being chosen one of the Outstanding Young Women of America of 1981, she has received the recognition that she so obviously deserves; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most deeply commend and congratulate Mrs. Ruby Caldwell Pickens for her recent distinction and direct that she receive a copy of this resolution as evidence of our high esteem for her civic and religious service to others.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-193 S.J.R. 162—Mr. Pearson

SENATE JOINT RESOLUTION

COMMENDING CHARLES H. GRAY AND BESSIE THURMAN GRAY.

WHEREAS, Charles H. Gray and his wife, Bessie Thurman Gray, have contributed greatly to the education of the youth of Philadelphia, Pennsylvania; and

WHEREAS, Mrs. Gray is a native Alabamian, having been born in Mobile; and

WHEREAS, Mrs. Gray was educated in the Mobile Public School System and received a Bachelor of Science Degree from Tuskegee Institute; and

WHEREAS, both Mr. and Mrs. Gray have earned Master's Degrees in Education, his being from Temple University and hers from Villanova University; and

WHEREAS, Mrs. Gray is presently a department head at Martin Luther King High School in Philadelphia, Pennsylvania; and

WHEREAS, Mr. Gray is a biology teacher at Lincoln High School in Philadelphia; and

WHEREAS, Mr. and Mrs. Gray are affiliated with numerous education associations and organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Charles H. Gray and Bessie Thurman Gray on their many achievements and their contributions to education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Gray so that they may know of our esteem for them.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-194 S.J.R. 163—Mr. Teague

SENATE JOINT RESOLUTION

TO URGE MEMBERS OF THE CONGRESSIONAL BUDGET COMMITTEES TO REJECT ANY REORGANIZATION OF THE RAILROAD RETIREMENT SYSTEM PROVIDED FOR IN THE 1983 FEDERAL BUDGET

WHEREAS, the Railroad Retirement System was established by an Act of Congress in 1935 to provide retirement-survivor and unemployment-sickness benefit programs for the nation's railroad workers and their families; and

WHEREAS, the Railroad Retirement System has been financed jointly with contributions from rail carriers and rail labor for more than forty-five years; and

WHEREAS, the Railroad Retirement System has a present cash investment worth $3,600,000,000 and more than 1,100,000 annuitants; yet is administered with only 1% of the revenues; and

WHEREAS, the present organization, financial strength, and longevity of the Railroad Retirement System allows for the efficient distribution of both railroad program benefits and, since 1974, social security benefits, to eligible recipients; and

WHEREAS, the abolition of the Railroad Retirement System or its absorption into the Social Security Program could conceivably jeopardize the continued distribution of benefits;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING:

Section 1. That the Legislature of Alabama urges the Congressional budget committees to reject any proposal contained in the 1983 federal budget which would abolish or reorganize the Railroad Retirement System.

Section 2. That copies of this resolution be transmitted to the Alabama Congressional delegation and the members of the Congressional budget committees.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-195 S.J.R. 165—Mr. Martin

SENATE JOINT RESOLUTION

HONORING MRS. CARRIE C. MELTON OF DECATUR, ALABAMA'S MOTHER OF THE YEAR.

WHEREAS, the selection of Mrs. Carrie C. Melton of Decatur as Alabama's Mother of the Year is truly a distinct honor and in actuality is a summation of her lifetime of achievement and service to others; and

WHEREAS, Mrs. Melton, a native of Fayette County, and her late husband, Albert R. Melton, were the parents of a son, two daughters and a foster daughter, all of whom have successfully achieved as a result of the moral and spiritual bonds of a happy and loving home; and

WHEREAS, after her retirement as a professional dietician for twenty years, Mrs. Melton and her husband became houseparents of "Operation Home" for neglected and abused children, an avocation pursued by Mrs. Melton following the death of her husband whose own accomplishments, as hers, are inseparable one from the other; and

WHEREAS, Mrs. Melton, through the years, has been a mother in every sense of the word to more than 700 children, variously providing sanctuary and loving care to each and every child in her charge; and

WHEREAS, in her role as surrogate mother to the homeless, Mrs. Melton not only gave a gift of love to each child, but to many who were critically ill or injured, the gift of life itself; and

WHEREAS, Mrs. Melton also has long been active in the religious, civic and educational affairs of her community and is a member of the East End Methodist Church which she helped organize, Chairman of the County Advisory Board of Pensions and Security, and a member of the Board of Directors of Operation Home and the Decatur Woman's Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Carrie C. Melton of Decatur, Alabama; we further stand in tribute to Mrs. Melton as Alabama's Symbol of Motherhood, and direct that she receive a copy of this resolution in sentiment of our utmost regard.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-196 S.J.R. 169—Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

HONORING GENERAL JOHN W. VESSEY, JR., CHAIR-

MAN OF THE JOINT CHIEFS OF STAFF NOMINEE.

WHEREAS, it is in utmost commendation and praise that this body notes the nomination by President Reagan of General John W. Vessey, Jr., as the next Chairman of the Joint Chiefs of Staff; and

WHEREAS, General Vessey, currently serving, since July 1979, as the Vice Chief of Staff for the Army, was called to active duty with the Minnesota National Guard in 1941, to rise to the rank of First Sergeant before receiving a battlefield commission at the Anzio beachhead on May 6, 1944; and

WHEREAS, in addition to World War II combat service, General Vessey also served in Korea and in Vietnam and is the recipient of numerous awards and decorations including the Distinguished Service Cross, Defense Distinguished Service Medal, two awards of the Legion of Merit, two Bronze Stars, Army Commendation Medal with "V" Device and the Purple Heart; and

WHEREAS, General Vessey, who is a graduate of the University of Maryland with a Master's Degree from George Washington University, attended also the Armed Forces Staff College and the Industrial College of the Armed Forces; his assignments, in various command and staff positions, have included tours in Germany, Thailand and in Laos; and

WHEREAS, General Vessey's military career is one of extraordinary achievement, and his recent nomination as Chairman of the Joint Chiefs of Staff is an august tribute to his professional ability and true dedication as a distinguished patriot and a great American; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend General John W. Vessey, Jr., of the United States Army and direct that he be presented with a copy of this resolution bespeaking our praise and our deep appreciation of his accomplishments.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-197 S.J.R. 171—Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes,

Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING MR. TED AVRETT, PROMINENT ENTERPRISE BUSINESSMAN AND CIVIC LEADER.

WHEREAS, a native of Geneva County, Mr. Ted Avrett is a graduate of Samson High School and attended business college before entering military service with the Alabama National Guard; he also attended the University of Maryland, while in service, and retired as a Regular Army Lieutenant Colonel following a prestigious military career of some 23 years; and

WHEREAS, Colonel Avrett served in combat during both World War II and the Korean Conflict, earning several medals including two Bronze Stars and the Legion of Merit; he also served tours of duty in various assignments throughout the states, including the Pentagon and at Fort Rucker as Executive Officer of the Post Hospital prior to his retirement; and

WHEREAS, he now is the owner and operator of two automotive dealerships and currently serves on the Dealer Council for two automobile manufacturers and is a member of the American International, National and Alabama Automobile Dealers Associations; other business interests include the Fort Rucker National Bank, which he helped to organize and now serves as Vice Chairman of the Board, and he also owns a 600-acre cattle and farm operation in his native Wiregrass; and

WHEREAS, Mr. Avrett, a Mason and Shriner and a member of the United Methodist Church, extends his community service to include involvement in the Enterprise Chamber of Commerce and, most particularly, the military and civic affairs of the area; and

WHEREAS, long active in the Association of the United States Army, Mr. Avrett is president of the Bogardus S. Cairns Chapter of the AUSA at Fort Rucker and is a member of the Army Aviation Association of America and was recently elected to the Board of Directors for the Army Aviation Museum Foundation of America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Ted Avrett of Enterprise for outstanding service to

his community and for distinguished service to our state and nation as well.

BE IT FURTHER RESOLVED, That Mr. Avrett be presented with a copy of this resolution, tendered in praise and in commendation of achievement.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-198 S.J.R. 175—Messrs. Parsons, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

EXPRESSING APPRECIATION TO THE HUEYTOWN HIGH SCHOOL SWINGERS SHOW CHOIR FOR THEIR PERFORMANCE FOR THE LEGISLATURE.

WHEREAS, the famous Hueytown High School Swingers Show Choir presented an outstanding program for members of the Alabama Legislature at a March 16, 1982, meeting of the League of Municipalities; and

WHEREAS, this 49-member group of extremely talented young singers, dancers and musicians is under the direction of Mr. S. J. Allen who has been Choral Director at Hueytown High School since 1966; and

WHEREAS, the Swingers Show Choir, composed entirely of junior and senior students at Hueytown High School, was established in 1973 and is choreographed by Mr. John Jacobson of Disneyworld in Orlando, Florida; and

WHEREAS, since its inception the group has traveled widely and has performed for audiences at both Rockefeller and Kennedy Centers in New York City, for the United States Senate, at Disneyworld and in Nassau, Freeport, San Juan and St. Thomas as well as for conventions such as the Alabama Education Association and the

Music Educators National Conference; and

WHEREAS, though the program presented for the Legislature included a variety of selections, its emphasis primarily was on tunes of the fifties and those of the memorable era of the big bands; several stirring patriotic numbers rounded out a program that was thoroughly enjoyed by all those in attendance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express deep appreciation to Choral Director S. J. Allen and his Hueytown High School Swingers Show Choir for their outstanding performance and further commend the entire group for their accomplishments and for the fame and honor they have brought to their community, school and the entire State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Allen on behalf of the Swingers Show Choir group with a copy also provided for appropriate display at Hueytown High School.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-199 H.J.R. 211—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn on Thursday, March 18, 1982, they adjourn to meet again on Tuesday, March 23, 1982.

Approved April 1, 1982

Time: 1:00 P.M.

Act No. 82-200 H. 651—Rep. Reed

AN ACT

Proposing an amendment to the Constitution of 1901, relating to the judge of probate of Bullock County and the manner and method of compensating such officer.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of 1901 is proposed and shall become valid as a part of the Constitution

when approved by a majority of the qualified electors voting thereon, as herein provided, and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws, fix, alter, and regulate the fees, commissions, percentages, allowances, and compensation, and the method or basis of fixing the compensation to be charged or received by the judge of probate of Bullock County, and may put such officer on a salary basis and provide that the fees, commissions, percentages, and allowances payable to such officer according to law shall be paid into the county treasury. The judge of probate of Bullock County shall not serve as the chairman, or as a member, of the county governing body.

Section 2. An election upon the proposed amendment is ordered to be held at the next statewide primary, general or special election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House as Amended March 30, 1982

Passed the Senate April 7, 1982

Act No. 82-201 H. 48—Reps. Bowling, Brakefield

AN ACT

Proposing an amendment to the Constitution of 1901, providing for costs and charges of courts in Winston County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of 1901 is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon

and upon proclamation of the Governor:

PROPOSED AMENDMENT

The Legislature may, from time to time, by general, special or local law, fix, regulate and alter the costs and charges of any court in Winston County and the method or basis of distribution of any revenues therefrom.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Section 4. This amendment shall not become effective unless approved by referendum of the qualified electorate of Winston County. Said referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2, above, and no further election shall be required.

CONSTITUTIONAL AMENDMENT

Passed the House January 19, 1982

Passed the Senate April 8, 1982

Act No. 82-202 S. 454—Mr. Holmes

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 granting certain powers and authority to Calhoun County and each municipality situated therein relating to the acquisition, leasing, sale and development of industrial sites and industrial park projects.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the

Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

"For the promotion of local economic and industrial development, Calhoun County and each municipality situated in said county, shall, other provisions of law or this Constitution notwithstanding, have, independently or in cooperation with one or more of such governmental entities, full and continuing power (a) to purchase, lease or otherwise acquire land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial sites or industrial park projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, (b) to lease, sell, grant, exchange or otherwise convey, on terms approved by the governing body of such county or municipality, all or any part of any such project to any person, firm or corporation, public or private, including any industrial development board, other public corporation, or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing or developing thereon, by such purchaser or lessee, and equipping and operating, industrial, transportation, distribution, warehouse or research facilities, and offices and other facilities auxiliary to the foregoing, and (c) to grant public funds to such industrial development boards, public corporations or authorities. Nothing herein shall authorize the county, or any municipality therein, to construct buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither Calhoun County nor any municipality in said county shall be subject to the provisions of Sections 93 or 94 of the Constitution of Alabama, as amended, and the legislature shall have the power, by special or local law, to create, or provide for the creation of, any public corporation, authority, board, agency, or other entity empowered or intended to assist or aid in any way Calhoun County or any municipality therein in carrying out the purposes of this amendment and such special or local law shall not be subject to the provisions of Sections 104 and 106 of this Constitution, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to such county, or to any municipality therein, or to any agency, board, or authority created pursuant to the laws of this State.

No action may be taken under this amendment by the said county or any of the municipalities therein until after the question of whether the county and the said municipalities shall have the authority to take such action shall have been submitted to the qualified electors of the county at an election called for that purpose by the governing

body of the county and a majority of the said qualified voters voting at the said election shall have voted in favor of the county and the said municipalities having the authority to take such action; provided, that if a majority of the qualified electors of the county participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by said vote in favor of its adoption shall of itself authorize the taking of any and all action provided for in the first sentence of this amendment and no additional election by the electors of the county shall ever be required to authorize the taking of any such action. If the majority of the qualified electors of the county participating in the election on the adoption of this amendment shall not vote in favor of the adoption of this amendment, or if the majority of the qualified electors of the county voting in any election called by the governing body under the provisions of this amendment should not vote in favor of the county and the municipalities having the authority to take such action at an election so called, the governing body of the county may from time to time call other elections hereunder on the question of whether the county and the municipalities therein shall be authorized to take such action, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the county shall be called, held, conducted and canvassed and may be contested in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties. Any such election shall be conclusive on the question of whether the county and the municipalities therein shall have the authority to take such action and it will not thereafter be necessary for an election to be held in connection with each exercise by either the county or the municipalities of the power and authority granted them by the provisions of the first sentence of this amendment."

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor published in every county in the State, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper published in each such county. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the

county. A newspaper shall be deemed to be published in a county, within the meaning of this section, if its principal editorial office is located in that county.

CONSTITUTIONAL AMENDMENT

Passed the Senate March 23, 1982

Passed the House April 7, 1982

Act No. 82-203 S.J.R. 31—Mr. Denton

SENATE JOINT RESOLUTION

CREATING A SELECT COMMITTEE TO DESIGN AND TO PROVIDE FOR THE MANUFACTURE, PURCHASE AND DISTRIBUTION OF IDENTIFYING LAPEL PINS FOR MEMBERS OF THE ALABAMA LEGISLATURE.

WHEREAS, in a number of the various states, members of the legislature, upon assuming office, are provided with lapel pins or other article of virtu that have been appropriately and uniquely designed so as to immediately identify the wearer as a member of that state's legislative body; and

WHEREAS, the State of Alabama, however, has no provision for such means of identification of a legislator to the public; this is an omission of long-standing and an exception to accepted practice of the other states; and

WHEREAS, not only would such article as herein described serve to identify our legislators but would further provide a memento, both purposeful and in token, of a legislator's service to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select committee to be composed of two members of the House of Representatives, to be appointed by the Speaker of the House, two members of the Senate, to be appointed by the President of the Senate, the Clerk of the House of Representatives and the Secretary of the Senate. The committee, to serve without compensation, will begin work immediately to create a unique design for each for the two Houses of the Legislature and then to provide for the manufacture and purchase of lapel pins appropriate for both identification and for keepsake purposes. The first of said pins are to be distributed to the current members of the Alabama Legislature and to all future duly elected legislators upon assumption of office.

BE IT FURTHER RESOLVED, That all expenses incurred shall be paid from funds appropriated to the use of the Legislature.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-204 H. 581—Reps. Moore, Smith (C), Waggoner

AN ACT

Relating to Shelby County; providing for additional compensation for the tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The Shelby County Tax Assessor shall receive an additional expense allowance in the amount of $5,000.00. Said expense allowance shall be in addition to all compensation and expense allowances presently received by the tax assessor. Beginning with the next term of office, the additional expense allowance provided by this Act shall be converted to salary.

Section 2. The Shelby County tax collector shall receive an additional expense allowance in the amount of $5,000.00. Said expense allowance shall be in addition to all compensation and expense allowances presently received by the tax collector. Beginning with next term of office, the additional expense allowance provided by this Act shall be converted to salary.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-205 H. 622—Reps. Manley, Clark (G), Pegues, Minus

AN ACT

Relating to the 17th Judicial Circuit; to provide for an expense allowance for the district attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the 17th Judicial Circuit shall receive, in addition to any other compensation heretofore provided by law, an expense allowance of $150.00 per month from each of the counties comprising the judicial circuit. Said expense allowance shall be paid from the solicitor's fund of the 17th Judicial Circuit, the child support enforcement fund of the 17th Judicial Circuit, or any other funds available at the discretion of the district attorney which are not county commission funds or state funds.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-206 H. 623—Rep. Kelley

AN ACT

To provide for the establishment of a merit system for Marshall County, Alabama, and a Personnel Board governing the appointment, hiring, salaries, benefits, removal and official conduct of employees of the County; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Marshall County, Alabama.

Section 2. As used in this Act, unless the context clearly requires a different meaning: "County" means Marshall County, Alabama; "employee" means any person, including law enforcement officers, not excepted by Section 3 of this Act, who is employed in the service of Marshall County or any board, agency or instrumentality thereof; "merit employee" means any such employee who shall have completed his six months of probationary employment; "Board" means the Personnel Board created by this Act; "appointing authority" means in the case of employees in the offices of the elected officials of the county, such elected officials, and means, in the case of all other county employees, the county governing body, or the Board or other agency supervising their work.

Section 3. The provisions of this Act, shall apply to all officials

and employees in the service of the County or any board paid by the Marshall County Commission, agency or instrumentality thereof except: (a) persons holding elective offices; (b) members of appointive boards, commissions, and committees; (c) all employees of the County Board of Education; (d) independent contractors; (e) and any person whose employment is subject to the approval of the United States Government or any agency thereof.

Section 4. All employees to whom the provisions of this Act apply shall be governed by rules and regulations prescribed in or promulgated pursuant to this Act, administered by the Personnel Board, the creation of which is provided for in Section 5 hereof. Present such employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of such an employee for cause in the manner hereinafter provided; and such employees shall be subject fully to the provisions of this Act. Present such employees who have been employed by the County for less than six (6) months shall be probationary employees as provided for in Section 11 hereof.

Section 5. There is hereby created the Personnel Board of Marshall County, Alabama, which shall be composed of five (5) members. One member shall be appointed by the county commission, three members shall be appointed by the Marshall County Legislative Delegation, and one shall be elected by the county employees who will be subject to the provisions of this Act. All appointments to the Board shall be made within 30 days. One of the members originally so appointed shall serve for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years and one for a term of six years. The original members of the Board so appointed shall draw lots to determine the length of term each shall serve. Thereafter all members shall serve for terms of six years each, and until their respective successors are appointed as specified above. Any member of the Board whose term shall expire shall be eligible for reappointment, but for no more than two full terms.

No person shall be appointed to the Board unless he is of recognized good character and ability, and is an actual resident in and qualified elector of the County. No person shall be eligible to appointment or shall continue to be a member of a board created under this Act who holds an elective office under the state, county, or any city therein, or who is a candidate for elective office. Vacancies on the Board shall be filled for the unexpired terms in the same manner as original appointments are made. Following the initial appointment of the Board, the Board shall, within 15 days convene and elect a chairman from among its members, who shall preside at its meetings.

Three members shall constitute a quorum for the transaction of any business which may properly come before the Board. Each person so appointed shall, within fifteen days after appointment, qualify by making oath (which shall be recorded as provided by law) that he will faithfully execute the duties of office to the best of his ability and knowledge. The Board shall adopt reasonable rules regulating the procedure of the Board. Notice of all meetings of the Board shall be given to each member by the secretary of the Board. The Personnel Board is authorized and may employ clerical assistants, personnel officers and engage legal counsel.

Section 6. Each member of the Board shall be paid an expense allowance of one hundred dollars per month by the Marshall County Commission.

Section 7. The Board shall fix the times for its regular meetings which shall not be less than monthly and it may call, adjourn, or hold special meetings at any time. A majority of the members of the Board shall constitute a quorum for the transaction of business. All meetings of the Board shall be held in the Marshall County Courthouse. The Board may prescribe rules governing its procedure, not inconsistent with the provisions of this Act.

Section 8. The Board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the Board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the County at all reasonable times.

Section 9. The Board shall make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, employee fringe benefits, seniority (which shall be based on actual time employed by the County), and such other matters as may be necessary to accomplish the purposes of this Act.

A rule or regulation may be made effective only after a public hearing, for which a thirty (30) day notice must be given, is held on the proposal thereof and after a certified copy thereof has been filed with the county governing body. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the Board shall not examine, any person who is not a citizen of the United States. The Board shall: (1) classify the different types of services to be performed in the service of the County; (2) prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class; (3) fix a maximum and minimum salary for each class; (The Board shall review salaries paid by local industry and provide salary scales consistent to the

extent possible with the local private sector.) and (4) allocate each position in the service to its proper class. It shall provide for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The Board shall establish rules and regulations governing dismissals, suspensions, lay-offs, terminations, and leaves of absence, and the severance of any employee's relationship with the County shall be in accordance with such regulations.

Section 10. The Personnel Board shall make or contract with the State Merit System Board or other appropriate agency, for a register of all persons eligible and available for appointment to each class of position in the service of the County, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the Board as common laborers. Veterans shall be given preference in hiring in the same manner as provided by the State of Alabama. Layoffs available for re-employment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted re-employment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the Board's rules and regulations subject, however, to stipulations of this section concerning layoffs. Persons desiring appointment may file applications with the Board, and the Board may from time to time, conduct examinations to test the ability of such applicants. All qualified applicants shall be examined, and examination shall be public, competitive, subject to limitations specified by the Board, and open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than one examination.

Section 11. Whenever a vacancy exists in any position in the service of the County, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the Board or by transfer within the service of the County from another position of the same class. However, the ranking lay-off of the same class shall be appointed in every instance. Whenever it is impossible for the Board of certify eligible persons to a vacancy, the Board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and an employee shall not receive more than one temporary

appointment during one calendar year, and no such employee shall have status under this Act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the Board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the Board. After the expiration of the probationary period, an appointment shall become permanent.

Section 12. An appointing authority by written notice to the merit employee shall have authority to suspend without pay a merit employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event a merit employee is suspended without pay, he shall be entitled to a public hearing by the Board upon written demand filed within five calendar days from the date of the order of suspension. If, after hearing, the Board determines that the action of the appointing authority was not with good cause, the suspension shall be revoked, and pay reinstated to date of suspension.

Section 13. (a) The county commission, any member of the governing body, or the head of any department or office, respectively, can remove, discharge, or demote any merit employee who is directly under such governing body, member thereof, or department head, provided that within five calendar days a report in writing of such action is made to the Board and employee, giving the reason for such removal, discharge or demotion. The employee shall have ten calendar days from the time of notification of his discharge, removal, or demotion in which to appeal to the Board. If such appeal be filed, the Board shall thereupon order the charges or complaint to be filed forthwith in writing, if not already filed, and within 15 calendar days shall hold a hearing de novo on such charges. No merit employee shall be removed, discharged or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the Board, then the same will become final only upon affirmation by the Board after a hearing upon written charges or complaint has been had and after an opportunity has been given such employee to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the Board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law. Hearings on an appeal shall be held within 30 days from the

date of receipt of written request to the Board. In all cases, the decision of the Board shall be reduced to writing and entered in the record of the case and shall include the Board's finding of facts upon which its decision is based.

The Board shall have the power to administer oaths, take depositions, certify officials' acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this Act. The Sheriff or some other law enforcement officer of the County shall serve all processes of the Board. In case a person refuses to obey such subpoena, the Board may invoke the aid of the Circuit Court of Marshall County, Alabama, in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the Board and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena or order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the Circuit Court of Marshall County, Alabama, which fees shall be paid from the treasury of the County.

(b) Any person aggrieved by a decision of the Board may appeal such decision to the Circuit Court of Marshall County within thirty days from the rendition of such decision by the Board. Review by the Circuit Court shall be de novo and without a jury.

Section 14. No employee shall be required to make, solicit, or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be required to be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall be required to assist any candidate for nomination or election to public office, or required to make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 15. The County shall pay the County employees the salary established by the Board in accordance with the salary authorization establishing minimum and maximum salaries for each class, and no other additional compensation shall be paid to County employees.

Section 16. The compensation and all other expenses of the Board arising under the provisions hereof shall be paid from funds of the County on the order of the Board in the same manner as other County salaries and expenses are paid.

Section 17. Any merit employee who willfully violates any of the provisions of this Act, or any rule or regulation issued in pursuance hereof, shall be dismissed from service under the system and shall not be reappointed or reemployed for two years.

Section 18. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this Act are hereby repealed, and specifically repealing Act Number 909, 1975 Acts of the Legislature of Alabama, Regular Session which was approved October 5, 1975.

Section 20. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-207 H. 629—Reps. Cates, Wyatt

AN ACT

Relating to Crenshaw County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Rutledge, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In Crenshaw County, the boundary lines and corporate limits of Rutledge, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits, in addition to the lands now herein included, all of the following territory, to-wit:

E 1/2 of Section 23; NE 1/4 and the North 260 feet of N 1/2 of SE 1/4 of Section 26; NW 1/4, W 1/2 of NE 1/4, the West 1000 feet of E 1/2 of NE 1/4, the North 550 feet of N 1/2 of SW 1/4, the North 550 feet of NW 1/4 of SE 1/4, and the North 550 feet of the West 1000 feet of NE 1/4 of SE 1/4 of Section 24; and the East 320 feet of SE 1/4 of NE 1/4, and 260 feet North and South and 320 feet East and West in the Northeast corner of NE 1/4 of SE 1/4, of Section 25; all in Township 9 North, Range 17 East; and S 1/2 of NW 1/4, S 1/2 of NE 1/4, the North 260 feet of N 1/2 of SW 1/4, and

the North 260 feet of the N 1/2 of SE 1/4 of Section 30, and the SW 1/4 of NW 1/4 and the North 260 feet of NW 1/4 and SW 1/4, Section 29; all in Township 9 North, Range 18 East; all in Crenshaw County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-208 H. 643—Reps. Carothers, Daniels, Grimsley, Williams

AN ACT

Relating to the City of Dothan in Houston County; to amend further Sections 3 and 4 of Act No. 103, H. 363, Regular Session 1953 (Acts of Alabama 1953, p. 145), which Act relates to the City of Dothan's Pension and Retirement System, so as to provide further for the Pension Board's meetings by requiring the city manager to attend, and to provide further for the authorized investments of the Pension Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3 and 4 of Act No. 103, H. 363, Regular Session 1953 (Acts of Alabama, p. 145), are hereby amended to read as follows:

"Section 3. (1) There is hereby created a Pension Board which shall act as trustees, and in which is vested the general administration and management of the system, and the implementation of the provisions of this Act. The members of the Pension Board, all of whom shall serve without compensation, shall consist of the Mayor and/or President of the Board of Commissioners of the city, Chairman of the City Personnel Board, the City Attorney, the Treasurer of the City of Dothan, who shall be the "Treasurer of the System" and be bonded as required by the Pension Board, and an Employee-Department Head to be chosen by other Employee-Department Heads. The City Manager shall attend all board meetings and serve in an advisory capacity.

"(2) The Mayor shall act at all times as chairman of the Pension Board, and in his absence, the majority of the board shall elect a chairman to act in his stead. A majority of the board shall constitute a quorum for the transaction of business, and any action taken shall be approved in writing by not less than three (3) of its members. The Pension Board shall hold such meetings as are necessary to transact

its business, and in any event not less than one (1) meeting each three (3) months. The city clerk shall act as secretary of the Pension Board and shall give sufficient notice to its members of all meetings called by its chairman and shall keep a written minute record of all meetings, and shall attest all official written documents of the board, which shall be written into the official document records of the city clerk's office. All necessary accounting records shall be kept under the supervision of and in the office of the clerk-treasurer of the city, and employee personnel records shall be kept by the Personnel Department and the necessary clerical expense and supplies for keeping required records shall be deemed as an authorized expenditure from the general funds of the city. Payments from funds shall be made by check drawn by the clerk-treasurer and countersigned by the chairman, after having been approved by the Pension Board.

"(3) OATH OF OFFICE OF BOARD MEMBERS. All members of the Pension Board, as trustees for the system, within ten (10) days after his appointment or election, shall take an oath of office that he will diligently and honestly administer the affairs of the Pension Board and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the system. Such oath shall be subscribed to by the members making same, certified by the official before whom it is taken, and immediately filed in the Office of Probate Judge of Houston County.

"Section 4. THE METHOD OF FINANCING AND COMPOSITION OF FUNDS. All of the assets of the system shall be accounted for according to the purpose for which they are held among three (3) funds, namely, the Annuity Fund, the Pension Accumulation Fund and the Retirement Fund.

"(1) The Annuity Fund shall be a fund in which shall be accumulated contributions from the compensation of members. Contributions to and payments from the Annuity Fund shall be made as follows:

"(a) After the enactment of this Act, six and one-half percent (6-1/2%) shall be the minimum and seven and one-half percent (7-1/2%) shall be the maximum to be deducted from each member's pay on each and every payroll based upon consideration, the appropriations of the city for its contribution to the system and upon an actuarial evaluation report of the system made by a reputable consultant and recommendation of the Pension Board and approval of the governing body of the city. Each member, as a condition of his or her employment, shall be deemed to consent and agree to the deduction provided for herein and the payment of such salary or compensation less such deductions shall be a complete and full discharge and acquittance of all claims and demands whatsoever for the

services rendered by such person during the period covered by such payment, except as to the benefit provided under this Act. The deductions herein provided for shall be made notwithstanding that the compensation provided for by law for any member shall be reduced thereby. Each amount so deducted shall be paid into the Annuity Fund and shall be credited to the individual account of the member whose compensation and deduction was made.

"(b) Membership in the system is cancelled upon termination of employment, and upon such termination the amount of the deduction made from such employee's compensation shall be refunded out of the Annuity Fund as stipulated as follows:

"(1) Members employed five years and less, all annuity payroll deductions, less ten percent (10%) of such deductions, which shall be deemed as payment to the system to cover the cost of protection afforded therein during the term of membership.

"(2) Members employed over five (5) years and less than ten (10) years, all annuity payroll deductions, less five percent (5%) of such deductions, which shall be deemed as payment to the system to cover the cost of protection afforded therein during the term of membership.

"(3) Members employed ten (10) years and over, all annuity payroll deductions, less two and one-half percent (2-1/2%) of such deductions, which shall be deemed as payment to the system to cover the cost of protection afforded therein during the term of membership.

"(4) Upon termination by death, while employed, all annuity payroll deductions shall be returned to the properly designated beneficiary of the member without any charge or deduction being made for protection as mentioned above.

"(c) Upon the termination of employment and membership in the system, the amount deducted from the refund to such employee as provided in subsection (b) above, shall be transferred into the retirement fund hereinafter provided for.

"(d) Upon the retirement of any employee-member of the system, the amount of the annuity funds accumulated or deposited to the credit of such retired employee, shall be transferred and credited to the individual account of the retired member in the retirement fund. All payments to such retired employee shall be charged to his individual account, so as to indicate from time to time the total amounts paid to such employee as benefits under the system.

"(2) Pension Accumulation Fund. The Pension Accumulation Fund shall be a fund into which the City of Dothan shall deposit each month a sum equal to the payroll annuity deductions from

employee-members salaries from a minimum of six and one-half percent (6-1/2%) to a maximum of seven and one-half percent (7-1/2%) based upon an actuarial study by a reputable consultant and recommendation of the pension board and approval of the governing body of the city.

"(a) Upon the termination of employment and membership in the system, the amounts deposited into the Pension Accumulation Fund to the credit of such employee terminating employment and membership shall be transferred from the Pension Accumulation Fund into the retirement fund to be used for the payment of retirement benefits hereinafter provided for.

"(b) Upon the retirement of any member as hereinafter provided for, the amounts deposited into the Pension Accumulation Fund to the credit of such retiring employee shall be transferred from the Pension Accumulation Fund into the retirement fund and credited to the individual account of the retired employee-member as provided in Section 4 (1)(d) above, who shall receive benefits from the retirement funds as hereinafter provided. All payments to such retired employee shall be charged to his individual account, so as to indicate from time to time the total amounts paid to such employee as benefits under the system.

"(3) The Retirement Fund. The retirement fund shall be a fund into which shall be deposited all funds transferred from the Annuity Fund and from the Pension Accumulation Fund as provided for in subsections (1)(a), (2)(b)(1-2-3), (c) and (d) above of Section 4, from which retirement benefits are paid.

"(a) In addition to transfers from the Annuity and Pension Accumulation Funds, the pension board may take by gift, grant, devise or bequest, any money, personal property, real estate, or interest therein for the benefit of the fund.

"(b) All amounts in excess of the amount protected by the Federal Depositors Insurance Corporation or similar plan by the Federal Government deposited in any bank or savings and loan association in any of the three (3) funds provided for herein shall be forthwith collateralized with bonds or securities which are direct obligations of the United States of America or its agencies, or be invested in bonds or securities which are direct obligations of the United States of America or its agencies. Funds may also be invested in such obligations of the United States or its agencies under a repurchase agreement for a shorter time than the maturity date of the security itself. All amounts deposited in any such bank or savings and loan association in excess of amounts required to pay monthly benefits shall be placed on deposit so as to draw interest. Interest and earnings from investments and deposits shall be deposited into

the retirement fund.

"(c) Every three (3) years there shall be an evaluation study and report made of the system by a reputable actuary firm selected by the pension board and approved by the governing body of the city, and at other times as deemed necessary by the pension board to keep closer review of the system and approved by the governing body of the city. Upon receipt of the report of such actuary, the pension board shall make recommendations to the governing body of the city and to the legislative delegation for any needed revisions."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-209 H. 644—Rep. McCorquodale

AN ACT

Relating to Clarke County; to amend Act 513, Regular Session 1951, (Acts of Alabama, p. 903), pertaining to the Board of Education, so as to provide that the members of said board shall be elected from certain districts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 513, Regular Session 1951, (Acts of Alabama 1951, p. 903), is hereby amended to read as follows:

"Section 1. The board of education of Clarke County shall consist of four members and a chairman. One member of the Board of Education shall be elected from, be a qualified elector of, and reside in each of the four commissioner districts into which the county is, at the time of the election of such member, divided as prescribed by law or by a court having the power, authority and jurisdiction to so prescribe. The chairman of the board shall be a qualified elector of and reside in the county, and he shall be elected by the qualified electors of Clarke County at large. Each member of the board and the chairman shall be elected for a term of four years from the first Monday after the second Tuesday in January next after his election."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-210 H.J.R. 219—Rep. Bedsole

HOUSE JOINT RESOLUTION

HONORING MISS JULIA A. PERDUE UPON HER RETIREMENT.

WHEREAS, Miss Julia A. Perdue has rendered thirty-four years of loyal and dedicated service to the State of Alabama, with the last twenty-seven years of such service having been with the Department of Archives and History; and

WHEREAS, her retirement on March 30, 1982, marked the end of an illustrious career as a public servant and her presence will be sorely missed by everyone who has known and worked with her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby expresses our appreciation to Miss Julia A. Perdue for the years of unselfish service she has rendered to the State of Alabama.

BE IT FURTHER RESOLVED, That the typewriter which Miss Perdue used during her tenure as department accountant to the Department of Archives and History be presented to her as a token of appreciation and esteem from the people of Alabama.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-211 H.J.R. 225—Reps. Dixon, Holmes, Wyatt, Grouby, Langford

HOUSE JOINT RESOLUTION

COMMENDING THE MONTGOMERY POLICE DEPARTMENT.

WHEREAS, in the early hours of March 7, 1982, approximately $2.5 million in gold and silver coins and bullion, stamps, watches and other precious metals were stolen from the Montgomery Civic Center by two armed bandits who first overpowered and tied up a security guard and maintenance man and then, with the aid of accomplices, loaded the displays of some 32 coin dealers onto a rented truck and left the Montgomery area; and

WHEREAS, at 3:00 a.m., the robbery victims worked themselves

free and notified the Montgomery Police Department which assembled all available investigators at the Civic Center to begin a massive investigation; and

WHEREAS, information compiled at the scene of the crime revealed the names of two suspects, and further prompt action on the part of the Montgomery Police Department led to the discovery that one of these suspects had rented a truck in Montgomery on the day of the robbery and that an associate of the two had rented a second truck in the Dothan area; and

WHEREAS, immediately, a description of the suspects and all pertinent information were teletyped to all law enforcement agencies and calls were made to the Dothan Police Department and other cities South of Montgomery; and

WHEREAS, as a result of such prompt action on the part of the Montgomery Police Department and the professional and thorough manner in which the department conducted its investigation, the trucks in question had been spotted by Dothan police officers, five suspects were in police custody, and the stolen valuables were recovered – all within 24 hours from the time the robbery occurred; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Montgomery Police Department for its outstanding investigation which brought to a close one of the largest robberies ever committed in the State of Alabama.

BE IT FURTHER RESOLVED, That in small token of our deep admiration, a copy of this resolution be presented to Montgomery Police Chief Charles E. Swindall on behalf of his entire department and, most particularly, the Robbery/Homicide Bureau of the Investigative Division commanded by Captain E. B. Alford, Jr.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-212 H.J.R. 249—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, March 25, 1982, we adjourn to meet again on Tuesday, March 30, 1982.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-213

H. 611—Reps. Shoemaker, Dial, Johnson (RG), Moore

AN ACT

Relating only to Talladega County, further providing for the distribution of the tax levied by Act No. 79-609, Acts of Alabama, Regular Session, 1979.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act applies to Talladega County only.

Section 2. Section 4 of Act No. 79-609, Acts of Alabama, Regular Session, 1979, is hereby amended to read as follows:

"Section 4. The tax levied by this Act shall be paid to the probate judge of the county who shall distribute the net proceeds from such license tax after deducting all costs of collection as follows: (a) The sum of $6,500 dollars shall be paid annually into the county general fund for the sole use as follows: (i) the sum of $1,500 dollars per annum shall be spent in the unincorporated community of Eastaboga for public projects for the benefit of said community; (ii) the sum of $2,500 dollars per annum shall be spent in the unincorporated community of Munford to provide rural health care in the existing rural health clinic in said community; and (iii) the sum of $2,500 dollars per annum shall be spent in the unincorporated community of Munford for youth activities, including the construction, improvement, lighting and maintenance of athletic playing fields; (b) After the payment of the sums provided for in subsection (a) of this Section, 90 per cent of the net proceeds of the said license tax shall be distributed to the county board of education which shall divide the funds between itself and the city boards of education within the county pro rata in the same manner as the public school funds from the State are apportioned in said county under the Minimum Program Fund Law, and the remaining 10 per cent of the net proceeds shall be paid half to the North Talladega County Association for Retarded Citizens, Inc., and half to the South Talladega County Association for Retarded Citizens, Inc. All distributions under this section are to be in addition to any other appropriation or allocation for such purposes heretofore made."

Section 3. This Act shall become effective on October 1, 1982.

Approved April 7, 1982

Time: 4:15 P.M.

Act No. 82-214 H. 734—Rep. Edwards

AN ACT

To propose a constitutional amendment regarding the altering of costs and charges of courts in Wilcox County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may from time to time, by general, special or local laws, fix, regulate and alter the costs and charges of courts in the county of Wilcox and the method of distribution thereof.

The provisions of this constitutional amendment shall not be implemented in Wilcox County until implementation is approved by a vote of a majority of the qualified electors of Wilcox County voting in an election called by the county governing body to determine said issue; provided, however, that if a majority of the qualified electors of Wilcox County who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House as Amended April 6, 1982

Passed the Senate April 13, 1982

Act No. 82-215 H. 741—Rep. Gilmer

AN ACT

Proposing an amendment to the Constitution of Alabama to abolish the office of constable in Lamar County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

PROPOSED AMENDMENT

The office of constable in Lamar County, Alabama, may be abolished by a vote of a majority of the qualified electors of the county voting in a special election called by the county governing body to determine this issue; provided, however, that if a majority of the qualified electors of Lamar County who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held.

Section 2. An election upon the proposed amendment is ordered to be held at the next statewide general or special election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House April 7, 1982

Passed the Senate April 13, 1982

Act No. 82-216 H. 742—Rep. Gilmer

AN ACT

Proposing an amendment to the Constitution of Alabama to abolish the office of constable in Fayette County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

PROPOSED AMENDMENT

The office of constable in Fayette County, Alabama, may be abolished by a vote of a majority of the qualified electors of the county voting in a special election called by the county governing body to determine this issue; provided, however, that if a majority of the qualified electors of Fayette County who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held.

Section 2. An election upon the proposed amendment is ordered to be held at the next statewide general or special election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county.

CONSTITUTIONAL AMENDMENT

Passed the House April 7, 1982

Passed the Senate April 13, 1982

Act No. 82-217 H. 760—Reps. Mitchell, Clark (G)

AN ACT

Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to change the charges and costs of court in Pickens County and to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges or changes in court costs.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of

1901 is proposed and shall become valid as a part thereof when approved and proclaimed as provided by law:

PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws applicable to or operative in Pickens County fix, regulate, change and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the county officials of Pickens County; and may place any or all of such officials on a salary and provide for the disposition of such charges, costs, fees, commissions, allowances, and percentages collectible by such officials.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general or special election at least three months next succeeding the adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House April 7, 1982

Passed the Senate April 13, 1982

Act No. 82-218 S. 143—Mr. Harrison

AN ACT

To amend Section 16-28-1, Code of Alabama 1975, to include a definition of church school, to amend Sections 16-1-11, 16-4-16, 16-28-3, 16-28-7, 16-28-8, 16-28-15, 16-28-23, and 16-40-1 to provide an exclusion for church schools from state control and reporting requirements and to further provide for parental responsibility for attendance of each child.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-28-1, Code of Alabama 1975 is hereby

amended to read as follows:

"§ 16-28-1. A. The term 'private school,' as used in this chapter, shall mean and only include such schools as hold a certificate issued by the state superintendent of education, showing that such school conforms to the following requirements:

"(1) The instruction in such schools shall be by persons holding certificates issued by the state superintendent of education;

"(2) Instruction shall be offered in the several branches of study required to be taught in the public schools of this state;

"(3) The English language shall be used in giving instruction;

"(4) A register of attendance shall be kept which clearly indicates every absence of each child from such school for a half day or more during each school day of the school year.

"B. The term 'church school,' as used in this chapter, shall mean and only include such schools as offer instruction in grades K-12, or any combination thereof including the kindergarten, elementary, or secondary level and are operated as a ministry of a local church, group of churches, denomination, and/or association of churches on a nonprofit basis which do not receive any state or federal funding."

Section 2. Section 16-1-11, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-1-11. All private schools or institutions of any kind having a school in connection therewith, except church schools as defined in § 16-28-1, shall register annually on or before October 10 with the department of education and shall report on uniform blanks furnished by the state superintendent of education, giving such statistics as relate to the number pupils, the number of instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property and the general condition of the school."

Section 3. Section 16-4-16, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-4-16. The state superintendent of education shall prepare, or cause to be prepared, and submit for approval and adoption by the state board of education a uniform series of forms and blanks for the use of county boards of education, boards of education of cities, school officials and teachers, and it shall be his duty to see that all financial matters and all educational records are made according to these forms and blanks. He shall also prepare, or cause to be prepared, and submit for approval and adoption by the state board of education forms and blanks to be used in the annual report

and in the monthly reports of persons conducting private schools and of private educational associations, corporations or institutions except church schools as defined in § 16-28-1."

Section 4. Section 16-28-3, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-28-3. Every child between the ages of seven and 16 years shall be required to attend a public school, private school, church school, or be instructed by a competent private tutor for the entire length of the school term in every scholastic year except that every child attending a church school as defined in § 16-28-1 is exempt from the requirements of this section, provided such child complies with enrollment and reporting procedure specified in Section 16-28-7, Code of Alabama 1975. Admission to public school shall be on an individual basis on the application of the parents, legal custodian or guardian of the child to the local board of education at the beginning of each school year, under such rules and regulations as the board may prescribe."

Section 5. Section 16-28-7, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-28-7. At the end of the fifth day from the opening of the public school, the principal teacher of each public school, private school, and each private tutor, but not church school, shall report on forms prescribed by the state superintendent of education to the county superintendent of education, in the event the school is operated in territory under the control and supervision of the county board of education, or to the city superintendent of schools, in the event the school is operated in territory under the control and supervision of a city board of education, the names and addresses of all children between the ages of seven and 16 years who have enrolled in such schools; and thereafter, throughout the compulsory attendance period, the principal teacher of each school and private tutor shall report at least weekly the names and addresses of all children between the ages of seven and 16 years who enroll in said school or who, having enrolled, were absent without being excused, or whose absence was not satisfactorily explained by the parent, guardian, or other person having control of the child. The enrollment and attendance of a child in a church school shall be filed with the local public school superintendent by the parent, guardian or other person in charge or control of the child on a form provided by the superintendent or his agent which shall be countersigned by the administrator of the church school and returned to the public school superintendent by the parent. Should said child cease attendance at a church school, the parent, guardian, or other person in charge or control of the child shall by prior consent at the time of enrollment

direct the church school to notify the local public school superintendent or his agent that said child no longer is in attendance at a church school."

Section 6. Section 16-28-8, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-28-8. All school officers, including those in private schools, or private tutors, but not those in church schools, in this state offering instruction to pupils within the compulsory attendance ages, shall make and furnish all reports that may be required by the state superintendent of education and by the county superintendent of education or by the board of education of any city with reference to the workings of this chapter. The principal teacher of each public school, private school, church school and each private tutor shall keep an attendance register showing the enrollment of the school and every absence of each enrolled child from school for a half day or more during each school day of the year."

Section 7. Section 16-28-15, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-28-15. Every parent, guardian, or other person having control or charge of any child required to attend public school, private school, or church school, shall as soon as practical explain the cause of any absence of the child under his control or charge which was without permission of the teacher, and a failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of said child, unless such person can show to the reasonable satisfaction of the court that he had no knowledge of such absence and that he has been diligent in his efforts to secure the attendance of such child."

Section 8. Section 16-28-23, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-28-23. The registry of attendance of pupils kept by any public school, private school, church school or private tutor in compliance with the provisions of law or any rule and regulation promulgated by the state board of education shall be admissible as evidence of the existence or nonexistence of the facts it is required to show. A copy of any rule and regulation of the state board of education duly certified as true and correct by the state superintendent of education shall be admissable as evidence of the provisions of such rule and regulation, and the statement in the certificate of the state superintendent of education of the date of the promulgation shall be admissible as evidence that such rule or regulation was duly promulgated on the day and date named."

Section 9. Section 16-40-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-40-1. Every public school and private school, except church schools as defined in § 16-28-1, shall carry out a system of physical education, the character of which shall conform to the program or course outlined by the department of education."

Section 10. Notwithstanding entitlement to the exemptions provided church schools under §§ 16-28-1, 16-1-11, 16-28-3, 16-28-7, 16-28-8, 16-28-15, 16-28-23 and 16-40-1 any church school as defined in § 16-28-1 (B) shall certify to the local public school superintendent on forms supplied by the superintendent to the requesting church school that the exemptions specified herein are waived.

Section 11. All laws or parts of laws which are in conflict with this act are hereby repealed.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1982

Time: 4:45 P.M.

Act No. 82-219 S.J.R. 170—Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING MAJOR GENERAL CARL HERBERT McNAIR, JR., COMMANDING GENERAL, UNITED STATES ARMY AVIATION CENTER, FORT RUCKER, ALABAMA.

WHEREAS, Major General Carl H. McNair, Jr., is a graduate

of the United States Military Academy at West Point and additionally holds advanced degrees earned at Georgia Institute of Technology and at Shippensburg State College; he also is a graduate of the Aviation School, Infantry School, the Armed Forces Staff College and the Army War College; and

WHEREAS, during 26 years of distinguished Army service, General McNair has served in a number of command, teaching and staff positions throughout the United States and in overseas assignment, including Taiwan and Korea as well as an extended tour in Vietnam; and

WHEREAS, General McNair is a Master Army Aviator, since 1956, and is both Airborne and Ranger qualified; of his more than 4,000 flying hours, over 1,500 were accrued in combat during 19 months and six campaigns in Vietnam, and his decorations include three awards of the Legion of Merit, four awards of the Distinguished Flying Cross, the Bronze Star Medal with "V" Device, Oak Leaf Cluster and the Air Medal with "V" Device and 51 clusters, among others; and

WHEREAS, though a Floridian by birth, General McNair, by virtue of residence, is truly an "Alabamian" now in his third assignment at Fort Rucker; his first tour was as a student in Aviation School, next in command position of the Aviation Center Troop Brigade and, currently, as Commanding General of the United States Army Aviation Center; and

WHEREAS, it is further to be noted that General McNair's contributions to the community are numerous and, through his efforts and involvement, the area enjoys a close-knit relationship inseparable in common bond; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Major General Carl Herbert McNair, Jr., as a distinguished citizen of the State of Alabama, as a true patriot and great American.

BE IT FURTHER RESOLVED, That General McNair be presented with a copy of this resolution in token of our warm praise and high regard.

Approved April 14, 1982

Time: 4:45 P.M.

Act No. 82-220 H.J.R. 295—Reps. Gafford, Adams (C), Adams (H), Albright, Amari,

Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

EXTENDING WARM BEST WISHES TO MR. McDOWELL LEE, SECRETARY OF THE ALABAMA SENATE.

WHEREAS, in a fraternal spirit and of one accord, the Alabama Legislature expresses an earnest desire to share the adversity of a friend even as we would willingly rejoice with him in good fortune; and

WHEREAS, thus it is with our good friend McDowell Lee with whom we do share concern, but in absolute optimism for the successful treatment of his recently diagnosed illness and for his complete recovery in the shortest possible time; and

WHEREAS, though Secretary of the Senate for many years, Mr. Lee's willingness to help and advise those of us in the Legislature is not confined to the Senate Chambers for he has been equally as amiable in assistance to members of the House of Representatives;

now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That our warm best wishes, in full measure, are extended to our close friend and associate, Senate Secretary McDowell Lee, to whom a copy of this resolution shall be presented in declaration of our affectionate concern and of our personal interest in his well-being.

Approved April 14, 1982

Time: 4:45 P.M.

Act No. 82-221 S. 4—Mr. Kirkland

AN ACT

To amend Section 12-16-100 of the Code of Alabama 1975, relating to the drawing, selecting and impaneling of juries in criminal cases, so as to establish one-for-one strikes in criminal cases and to establish procedures for the selection and use of alternate jurors in criminal cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-100, Code of Alabama 1975, is hereby amended as follows:

§ 12-16-100.

"(a) In every criminal case the jury shall be drawn, selected and impaneled as follows: Upon the trial by jury in the circuit courts of any person charged with a felony, including a capital felony, a misdemeanor, or violation, the court shall require a strike list or lists to be compiled from the names appearing on the master strike list as established in Section 12-16-74. In compiling the list or lists, names of qualified jurors may be omitted on a non-selective basis. A strike list shall be furnished for the trial of any case at hand and a copy thereof given to all parties. The jurors whose names appear thereon shall be brought into open court, the case shall be called and in the presence of the district attorney and the defendant and his attorney, the jurors shall be examined on voir dire for the trial of the case at hand. After the conclusion of the voir dire examination and the removal from the strike list of the names of those jurors who were challenged or excused for good reason, the district attorney shall be required first to strike from the strike list the name of one juror, and the defendant shall strike one, and they shall continue to strike off names alternately until only 12 jurors remain on the strike list and these 12 jurors thus selected shall be the jury charged with the trial of the case. If any defendant shall refuse to exercise a strike to which he is entitled, then the judge presiding shall exercise that defendant's strike for him.

The number of names appearing on the strike list upon commencement of striking, unless a lessor number is agreed to by the parties, shall not be less than 36 if the offense charged is a capital felony nor less than 24 if the offense charged is a felony not punished capitally nor less than 18 if the offense charged is a misdemeanor or violation. In the event the list of competent prospective jurors is reduced to fewer than the number required by this subsection, the court shall add prospective jurors in the manner prescribed in Section 12-16-76. No special venire shall be ordered, drawn, or summoned for the trial of any person indicated for a capital felony.

(b) The court may in its discretion qualify such alternate jurors as it deems necessary, except that in capital cases the court shall qualify at least two (2) alternate jurors, as required by law. Alternate jurors shall be drawn from the venire in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the principal jurors, except that they shall not deliberate with the jury or vote upon the verdict unless designated to replace a principal juror. An alternate juror who does not replace a principal juror shall be discharged at the time the jury retires to consider its verdict.

(c) If the court determines that more than two (2) alternate jurors shall be selected in a capital case, or that one or more alternate jurors shall be selected in a non-capital case, upon commencement of striking, unless the parties consent to the use of a lesser number, the minimum number of names required on the strike list in subsection (a) shall be increased by two (2) for each alternate juror to be selected; provided that such increase in names shall not apply for the first two alternate jurors to be selected in a capital case. The parties shall then strike from the strike list as herein provided until there remain twelve (12) jurors. The last juror or jurors struck shall be the alternate or alternates, and if it becomes necessary for an alternate to replace a principal juror, the last juror struck shall be designated. The identity of alternate jurors shall not be divulged to the jurors until the jury retires for deliberation.

(d) Any county having existing laws on the effective date of this act establishing procedures for the selection and use of alternate jurors, may at the election of the presiding circuit judge, continue to follow the provisions of such law with respect to the selection of alternate jurors. Such election must be made in writing within thirty (30) days of the effective date of this act and filed with the Secretary of State, the Clerk of the Supreme Court, the Administrative Office of Courts and the local bar of the county affected thereby. At any time after said election, either the presiding circuit judge, or a majority of the circuit judges in the circuit wherein the county is located,

may elect to come under the provisions of this act by filing written notice as required above."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 11:55 A.M.

Act No. 82-222 S. 482—Mr. Holmes

AN ACT

To create an Economic Development Council for Calhoun County for the purpose of promoting industry and trade and the economic development of said county; to provide for the organization, powers, functions, duties, funding, and personnel of such Council and to provide for the payment of the expenses of such Council; to provide for the issuance by the Council for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable from the revenues derived from the leasing or sale of any of its property and from any other or additional sources of revenue as may be specified; to provide that the Council may pledge for the payment of any bonds or obligations assumed by the Council any revenues from which those bonds or obligations are made payable; to authorize the Council to execute and deliver, as security for such bonds and obligations, mortgages, deeds of trust and trust indentures on such properties out of the revenues from which such securities are payable; to provide for the investment of funds of the Council; to authorize the sale or conveyance by the Council of any of its properties; to provide for the use of the proceeds of any such securities issued by the Council; to exempt the property and income of the Council and all securities issued by the Council and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the Council is a party, from all taxation in the state; to exempt the Council from all taxation in the state; to exempt the Council from payment of certain charges to judges of probate; to exempt the Council from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the Council from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for the disposition of the excess funds, if any, of the Council; to provide for the dissolution of the Council and the disposition of its property; and to repeal Act No. 425, H. 997, 1975 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) For the purposes of promoting industry and trade and economic development and to assist Calhoun County and the municipalities located therein in their pursuits therefor and to provide for the exercise by the County and the said municipalities of

certain powers and authority proposed to be granted to them by an amendment to the Constitution of Alabama, the act proposing such amendment being adopted at the same session of the legislature at which this act was adopted, there is hereby created an economic development council for Calhoun County, which council shall constitute a public corporation under the name Calhoun County Economic Development Council.

(b) This act shall be liberally construed in conformity with the said purposes.

Section 2. The powers and authorities of the Calhoun County Economic Development Council shall be vested in and performed by a Board of Directors composed of nine members and one ex officio non-voting member, appointed as follows: five of the directors shall be appointed by the Calhoun County legislative delegation; two of the directors shall be appointed by the governing body of the County; and two of the directors shall be appointed by an appointing body composed of the mayors from each of the municipalities in the County. The non-voting ex officio member shall be the chairman of the Oversight Committee. Three of the initial members shall be appointed for a term of two years, three for a term of four years, and the remaining three for a term of six years. All reappointments shall be for six years thereafter. In determining who shall be appointed for an initial term of two, four or six years, the following procedure shall apply: the positions on the Board shall be numbered as indicated hereinabove, and, by lot, shall be designated as having initial terms of two, four or six years, respectively. All reappointments shall be made by the entity originally entitled to make the appointment to the initial term. Each appointee shall reside within the County, shall not hold any elective office, shall be a duly qualified elector of the County, and shall possess a background in business and financial affairs. In the event that any original position on the Board shall not have been filled within thirty days after the effective date of this act, then the Calhoun County legislative delegation shall have the right to appoint a qualified person to fill said position. If at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected.

Section 3. The affairs and operations of the Calhoun County Economic Development Council shall be supervised and monitored by the Calhoun County Economic Development Council Oversight Committee. This committee shall be composed of all the members of the legislative delegation from the County, as well as the members of the governing body of the County, and the Mayors of each of the

municipalities located in the County. The Chairman of the Oversight Committee shall be a member of the legislative delegation elected by the Oversight Committee. The oversight committee shall meet not less often than semiannually, and otherwise at the call of its Chairman or a majority of its membership. The approval of the oversight committee shall not be essential to the validity of any action taken by the Board of Directors in the exercise of any of the powers granted the Council in this act.

Section 4. The Council shall hold an organizational meeting within thirty days after the appointment of all its directors and shall elect a Chairman, Vice-Chairman, Secretary and Treasurer from among its members. Such officers shall serve for such terms as the Council by rule or regulation may prescribe. After the organizational meeting, the Council shall meet at such time and place as shall be designated in the call. The Chairman or a majority of the directors may call a meeting of the Council, and at least four meetings shall be held annually. The Chairman shall preside at each meeting of the Council. In the absence of the said Chairman, the Vice-Chairman or other person elected in accordance with any rule or regulation adopted by the Board of Directors shall preside. A majority of the directors shall constitute a quorum. Members of the Board of Directors shall receive no compensation for their services, but they shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their duties under this act.

Section 5. Upon the organization of the Council, said Council shall be constituted an instrumentality for the exercise of public and essential governmental functions and the exercise of the powers conferred by this act, and the economic and industrial development of the County shall be deemed to be an essential governmental function of the County.

Section 6. The council shall have the following powers, together with all power incidental thereto or necessary to the discharge thereof: The council or its agents and employees may (a) cooperate with municipal, regional, state or federal planning or other industrial and economic development authorities; (b) contract with other agencies, individuals or corporations to promote the purposes of this Act; provided, however, that no funds of the council be expended for any purpose other than purchase and/or development of industrial property except expenses as provided in Section 4 of this act; (c) act as the industrial development agency for the entire county and as such agency to exercise all powers granted to municipal development agencies under the general laws of the state; (d) enter upon any land in the county, with consent of the owner, and make examinations and surveys and place and maintain necessary monuments and markings thereon; (e) accept gifts, grants, bequests or devises; (f) acquire,

develop, improve, sell or lease land for industrial development only; (g) to borrow money and to pledge as security therefor its assets, and anticipated revenues; (h) to maintain civil actions and have civil actions maintained against it and to defend civil actions against it; (i) to adopt and alter bylaws for the regulation and conduct of its affairs and business; (j) to acquire, receive and take title to, by purchase, gift, lease, devise or otherwise, to hold, keep and develop and to transfer, convey, lease, assign or otherwise dispose of property of every kind and character, real, personal and mixed, and any and every interest therein, located within the area of operation of the council, to any person; (k) to make, enter into and execute such contracts, agreements, leases, and other legal arrangements and to take such steps and actions as may be necessary or convenient in the furtherance of any purpose or the exercise of any power provided or granted to it by law; (l) to borrow money for any council purpose, function or use and to issue in evidence of the borrowing, interest-bearing bonds payable solely from the revenues derived from the operation or leasing or sale of any of its property; (m) to pledge for the payment of any bonds issued or obligations assumed by the council any revenues from which those bonds or obligations are made payable and to execute and deliver, security for such bonds and obligations, mortgages, deeds of trust, trust indentures and pledge indentures as provided for by law or hereafter; (n) to provide for such insurance as the council may deem advisable; (o) to invest any of its funds deemed by the authority to be not presently needed in the operation of its properties and undertakings and bonds, bills, or notes of the United States of America, bonds of the state, bonds of any county or municipality within the state and interest-bearing deposits in banks and savings and loan institutions or any thereof; (p) to cooperate with the United States of America and any agency, or instrumentality thereof, any state and its agencies and instrumentalities, any county or municipality or other political subdivision of a state and any other person, and to make and enter into contracts and all manner of legal arrangements with them or any of them and to obtain money by way of loans, grants or payments from them or any of them or property or other forms of assistance as the council may deem advisable to accomplish the purposes for which the council was created; and (q) in furtherance of the said purposes, the council shall have all powers conferred on corporations, entities or institutions of like nature by the laws of the State of Alabama and any amendments thereof or supplementary thereto.

Section 7. Neither the County nor any municipality therein shall in any event be liable for the payment of any indebtedness of the Council or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be under-

taken by the Council, and no indebtedness of the Council and none of its agreements or obligations shall be construed to constitute an indebtedness of the County or any municipality within the meaning of any constitutional or statutory provision whatsoever.

Section 8. Whenever the Board of Directors shall by resolution determine that the purposes for which the Council was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the Council have been fully paid, the members of the Board of Directors shall thereupon execute and file for record in the office of the judge of probate of the County a certificate of dissolution reciting such facts and declaring the Council to be dissolved.

Section 9. The certificate of incorporation of the Council, any deed or other documents whereby properties are conveyed to the Council, any mortgages or deed of trust executed by the Council, any leases made by the Council and the certificate of dissolution of the Council may all be filed for record in the office of the judge of probate of the County without the payment of any tax or fees other than such fees as may be authorized by law for the recording of such instruments.

Section 10. The Council and all properties at any time owned by it and the income therefrom and all bonds issued by it and the income therefrom shall be exempt from all taxation in the state of Alabama.

Section 11. All funds of the Economic Development Council shall be received by the treasurer of the Economic Development Council, and expended by the council only for the purposes described herein. All proceeds from the sale, lease or other disposition of assets of the council shall be reinvested in like purposes. The Economic Development Council shall receive all funds (a) appropriated to it under the provisions of House Bill 165, Regular Session 1982 of the Alabama Legislature; (b) all funds collected and remitted to the State Department of Revenue under the provisions of House Bill 221, Regular Session 1982 of the Alabama Legislature which would otherwise be distributed to the Calhoun County Commission and municipalities in Calhoun County.

Section 12. The Council is hereby exempted from the laws of the state of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as amended.

Section 13. The Council and all contracts made by it shall be exempt from the provisions and requirements of Sections 41-16-50 through 41-16-63 of the Code of Alabama of 1975, which sections

provide for competitive bids in connection with certain contracts.

Section 14. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 425, H. 997, 1975 Regular Session, (Acts 1975, p. 1020) is hereby specifically repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:29 P.M.

Act No. 82-223 S.J.R. 223—Mr. Proctor

SENATE JOINT RESOLUTION

TO EXTEND THE LIFE OF THE JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the life of the Joint Legislative Committee on Apportionment created by Act 80-771, SJR 239, 1980 Regular Session, as amended by Act 81-671, HJR 365, 1981 Regular Session, and Act 81-1068, HJR 58, 1981 Second Special Session, with all powers and duties conferred thereby, is hereby extended to November 1, 1982.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-224 S.J.R. 216—Messrs. White, Parsons and Kirkland

SENATE JOINT RESOLUTION

CREATING A SELECT JOINT COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS ON ALL REGULATIONS AND PROCEDURES RELATING TO THE OFFICIAL DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF THE DEPARTMENT OF FORENSIC SCIENCES.

WHEREAS, the Director of the Department of Forensic Sciences

is charged by law with the awesome responsibility of investigating crimes and deaths from unlawful, suspicious or unnatural causes and keeping original reports on such investigations in his office; and

WHEREAS, the annual general fund appropriation to the director and his staff is ever increasing as the crime rate and need for such investigations continues to spiral; and

WHEREAS, it is in the public interest that the Department of Forensic Sciences continues to function in an efficient and responsible manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee of three members to be composed of one member from the House of Representatives appointed by the Speaker, one member from the Senate appointed by the Lt. Governor and one member appointed by the Governor, which committee shall study and make recommendations on all regulations and procedures relating to the official duties and responsibilities of the Director of the Department of Forensic Sciences.

BE IT FURTHER RESOLVED, That upon request of the committee members, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th day of the 1983 Regular Session, whereupon said committee shall be dissolved.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-225 S.J.R. 211—Messrs. Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Weeks and White

SENATE JOINT RESOLUTION

HONORING OUR DISTINGUISHED COLLEAGUE, SENATOR PASCHAL P. VACCA OF BIRMINGHAM, ALABAMA.

WHEREAS, Senator Paschal Patrick Vacca of Birmingham, Alabama, has served as a member of the Legislature since his election to the 1955 term as a member of the House of Representatives; and

WHEREAS, following a second term in the House, our distinguished colleague assumed the Senatorial Seat to which he was elected in 1962 and subsequently re-elected for three consecutive terms; and

WHEREAS, our good friend Pat Vacca, Dean of the Alabama Senate, has served his constituency and indeed the entire State of Alabama with true distinction and as the statesman he clearly is, exercising his leadership wisely and well and to the good of all citizens of this state; and

WHEREAS, Senator Vacca, who is a native of Pennsylvania and a resident of Birmingham since 1919, holds multiple degrees in business, in law and in higher accountancy; he is a former tax consultant and has served as Municipal Judge, City Attorney, Director of the Tarrant, Alabama, Housing Authority, and as a past director and arbitrator with the United States Department of Labor; and

WHEREAS, as an attorney, he is currently engaged in the private practice of law, and in addition is a member of the board and a vice president of Bruno's, Inc. of Birmingham; and

WHEREAS, Senator Vacca is a Methodist, a member of the Elks, Eagles, Masons and Shriners, and a member and past District Governor of Civitan; and

WHEREAS, it is an honor and a privilege for those of us in the Legislature to serve with Senator Pat Vacca, a gentleman whose dedication and commitment to duty are evidenced in an attendance record of only one absence in almost 24 years, an absence excused for official state business; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep admiration and utmost regard, we hereby most highly commend The Honorable Paschal Patrick Vacca of Birmingham, Alabama, and direct that he receive a copy of this resolution extended in friendship and in warm affection for an exemplary First Citizen of Alabama.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-226 S.J.R. 198—Messrs. Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

WISHING MR. JAMES V. "JAKE" JORDAN A SPEEDY RECOVERY.

WHEREAS, the Alabama Legislature was distressed to learn of the illness of Mr. James V. "Jake" Jordan and of the necessity for his recent confinement at Jackson's Hospital in Montgomery; and

WHEREAS, we are happy to note, however, that he now is recuperating at home and that the prognosis is excellent for his complete recovery; and

WHEREAS, Mr. Jake Jordan retired in 1975 as State Budget Officer, a position he held for 30 of the 37 years he was employed with the State of Alabama; he was an exemplary public servant and a valued associate of the Legislature whose advice and counsel we valued highly; and

WHEREAS, through years of such close association, many members of this body were fortunate to form bonds of friendship with Mr. Jordan and his well-being is of utmost concern to us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely wish our good friend, Mr. James V. "Jake" Jordan, the speediest possible recovery and direct that he receive a copy of this resolution, in declaration of our concern and affection, extended in friendship and with warmest personal regard.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-227 S.J.R. 195—Mr. Weeks

SENATE JOINT RESOLUTION

CONGRATULATING THE TUSKEGEE INSTITUTE TIGERETTES ON THEIR OUTSTANDING BASKETBALL SEASON.

WHEREAS, in utmost pride and pleasure the Legislature notes that Alabama's own Tuskegee Institute Tigerettes placed second nationally in the NCAA-II Women's Basketball Finals on March 20th in Springfield, Massachusetts; and

WHEREAS, the Tigerettes, which for a number of weeks held the number one slot in the nation among Division II teams, polished off Springfield College in the second-round NCAA-Division II playoffs to win a berth in the finals; and

WHEREAS, the Alabama powerhouse team then took on second-ranked Oakland University defeating them by a score of 88-82 after shooting 24 of 28 free throws for an impressive 85.7 percentage; and

WHEREAS, noting that it took number one California Poly-Pomona to down the Tigerettes, the team is to be heartily congratulated for its spectacular season and national ranking achieved under Head Coach Tiny Laster who is the winningest coach in Division-II women's basketball with 206 career victories; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Tiny Laster and his Tuskegee Tigerettes for the fame and honor they have brought to their school and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Laster on behalf of his staff and team with a copy also provided for appropriate display at Tuskegee Institute.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-228 S.J.R. 179—Messrs. Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson,

Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING OLIVER ROBINSON, UAB

WHEREAS, Oliver Robinson was the first freshman basketball player to be signed by UAB's Coach Gene Bartow; and

WHEREAS the "Big O" has played in all but one game in his four years at UAB; and

WHEREAS he holds twenty-three school records; and

WHEREAS in 1981-82, he led the team to the final eight of the Mideast Regional Tournament, a feat never before accomplished in the State of Alabama; and

WHEREAS Oliver has been named First Team All Sun Belt Conference, Sun Belt Conference Player of the Year, Sun Belt Conference Tournament Most Valuable Player, NCAA Mideast Regional Most Valuable Player, All District, All Regional, and Honorable Mention All American;

THEREFORE, BE IT RESOLVED that the Legislature of Alabama, both houses thereof concurring, congratulates Oliver on his outstanding accomplishments; and

BE IT FURTHER RESOLVED that he receive a copy of this resolution as an expression of our esteem for his outstanding ability and our expectations of his future success.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-229 S. 493—Mr. Proctor

AN ACT

Relating to Talladega County; providing recording fees charged by the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. In Talladega County, a fee of $1.50 per page shall be collected for filing and recording in the following books: deed, mortgage, liens, judgment and lis pendens. Additionally, a special indexing fee of $1.00 shall be charged and collected on each instru-

ment to be recorded in the books listed above. On or after the effective date of this act, no such instrument shall be received for record in the office of said judge of probate unless the said recording fee of $1.50 per page, $1.00 indexing fee per instrument, and taxes as required by law have been paid thereon. It is intended that no other charges are to be collected on the above named instruments and this act repeals any law in conflict with this provision. All special indexing and recording fees collected under the provisions of this act shall be deposited in the General Fund of the county.

Section 2. A special indexing fee of $1.00 shall be charged and collected by the judge of probate on each financing statement. Said special indexing fee shall be in addition to all other taxes and other charges required by law to be paid upon the filing for record of financing statements. All special indexing and recording fees collected under the provisions of this act shall be deposited in the General Fund of the county.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-230 S. 397—Mr. St. John

AN ACT

To amend Section 27-29-1, Code of Alabama, 1975 to provide that "control" of an Alabama insurer shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing 5 percent or more of the voting securities of such insurer and to provide that for purposes of Section 27-29-3, a domestic insurer shall include any other person controlling a domestic insurer.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-29-1, Code of Alabama, 1975 is hereby amended to read as follows:

"Section 27-29-1. Definitions.

For purposes of this chapter, unless otherwise stated, the following terms shall have the meanings respectively ascribed to them by this section:

(1) AFFILIATE. Such term shall include an "affiliate" of, or person "affiliated" with, a specific person, and shall mean a person

that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) COMMISSIONER. The commissioner of insurance, his deputies or the insurance department as appropriate.

(3) CONTROL. Such term shall include "controlling," "controlled by" or "under common control with" and shall mean the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly owns, controls, holds with the power to vote or holds proxies representing 5 percent or more of the voting securities of any other person. Any person who, on the effective date of this Act, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing 5 percent or more, but not as much as 15 percent, of the voting securities of any person shall not be presumed to be in control of such person but shall not acquire, otherwise than by stock dividends, additional voting securities of such other person without being presumed to have acquired control and without complying with the provisions of this chapter relating to acquisition of control. This presumption may be rebutted by a showing made in the manner provided by subsection (i) of section 27-29-4 that control does not exist in fact. Such "control" as used in this section shall not be deemed to exist where proxies have been obtained by management of such insurer solely in connection with voting at an annual or other regular meeting of the shareholders of such insurer. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

(4) INSURANCE HOLDING COMPANY SYSTEM. A system which consists of two or more affiliated persons, one or more of which is an insurer.

(5) INSURER. An insurance company as set forth in section 27-1-2, except that it shall not include:

a. Agencies, authorities or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia or a state or political subdivision of a state;

b. Fraternal benefit societies; or

c. Non profit medical and hospital service associations. Notwithstanding the foregoing, for purposes of Section 27-29-3, a domestic insurer shall include any other person controlling a domestic insurer unless such other person is either directly or through its affiliates primarily engaged in business other than the business of insurance.

(6) PERSON. An individual, a corporation, a partnership, a limited partnership, an association, a joint-stock company, a trust, an unincorporated organization or any similar entity or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker's function.

(7) SECURITYHOLDER. One who owns any security of such person, including common stock, preferred stock, debt obligations and other security convertible into, or evidencing, the right to acquire any of the foregoing.

(8) SUBSIDIARY. An affiliate controlled by such person, directly or indirectly, through one or more intermediaries.

(9) VOTING SECURITY. Such term shall include any security convertible into, or evidencing, a right to acquire a voting security. (Acts 1973, No. 1042, p. 1636, § 2.)"

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved April 15, 1982

Time: 8:00 A.M.

Act No. 82-231 S. 28—Mr. Teague

AN ACT

To regulate further the real estate business in Alabama and to amend certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state; to increase certain fees and charges in relation to transfer of a license and examinations; and to define types of work relationships between brokers and salesmen.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-27-2, 34-27-7, 34-27-31, 34-27-32, 34-27-

33, 34-27-34 and 34-27-35, Code of Alabama 1975, are hereby amended to read as follows:

"§ 34-27-2. (a) For purposes of this chapter, the following terms shall have the respective meanings ascribed by this section:

"(1) PERSON. Such term includes partnerships and corporations.

"(2) REAL ESTATE BROKER. Any person who, for a fee, commission or other valuable consideration, or who, with the intention or expectation of receiving or collecting a fee, commission or other valuable consideration, lists, sells, purchases, exchanges, rents, provides rent lists for a fee, leases, options or auctions real estate or the improvements thereon, or negotiates or attempts to negotiate any real estate transaction, advertises or holds himself out as engaged in the real estate business.

"(3) REAL ESTATE SALESMAN. A person employed or engaged by or on behalf of a licensed real estate broker to do any act or deal in any activity regulated by this chapter, for compensation or otherwise.

"(4) EMPLOYED OR ENGAGED. The words 'employed' or 'engaged', the combination or derivative thereof when used herein separately or collectively, shall mean to include all types of work relationships between a real estate broker and a real estate salesman whether they be master-servant, independent contractor, or otherwise.

"(5) QUALIFYING OR DESIGNATED BROKER. A licensed broker making application for a broker's license for a corporation or partnership.

"(b) This chapter shall not be applicable to any:

"(1) Person who, as a bona fide owner or lessor, performs any act with reference to property owned or leased where such acts are performed as an incident to the management of such property and the investment therein;

"(2) Attorney-at-law performing his duties as an attorney-at-law;

"(3) Person not acting directly or indirectly for any compensation who is acting in good faith under a duly executed power of attorney for the owner for the purpose of closing a sale, purchase, lease or exchange of real estate;

"(4) State or national bank or to any person acting as a receiver, a commissioner acting under order of court, trustee, administrator,

executor or guardian under a court order or under a deed of trust or will;

"(5) Public officer performing his official duties;

"(6) Person who buys real estate and acquires title in his name, in his spouse's name, in his son's name or in his daughter's name and who sells or leases such real estate without compensation for his own account or for the account of his spouse, his son or his daughter;

"(7) Clerical or office help of a broker; provided, that such help shall not physically show listed property; or

"(8) Person acting as the resident manager for the owner or an employee acting as the resident manager for a broker managing an apartment building, duplex, apartment complex or court when such resident manager resides on the premises and is engaged in the leasing of property in connection with his employment.

"§ 34-27-7. (a) There is hereby created the Alabama real estate commission. The commission shall consist of seven members appointed by the governor with the advice and consent of the senate. Appointments made at times when the senate is not in session shall be effective ad interim. Any appointment made by the governor while the senate is in session must be submitted to the senate not later than the third legislative day following the date of appointment; any appointment made while the senate is not in session shall be submitted not later than the third legislative day following the reconvening of the legislature. Each appointee shall have been a resident and citizen of this state for at least 10 years prior to his appointment and whose vocation for at least 10 years shall have been that of a real estate broker or real estate salesman. No person convicted of a violation of former Title 46, sections 298 through 311, Code of Alabama 1940, or of this chapter shall be eligible to serve. Not more than one member from any congressional district shall be appointed to serve at the same time. The members of the commission whose terms do not expire prior to October 1, 1951, shall serve until their respective terms expire, and at the expiration of each term, the governor shall appoint, subject to confirmation by the senate as provided above, a member to fill the vacancy, and such appointment shall be for a term of five years, or until his successor is appointed and qualifies. On October 1, 1951, the governor shall appoint or reappoint one commissioner for a period of three years and one commissioner for a period of five years, all appointments expiring on September thirtieth of the respective years, or until their successors are appointed and qualify. Thereafter, any appointment shall be for a period of five years, or until such commissioner's successor is appointed and qualified.

"(b) Immediately upon the appointment of any new commissioner, the commission shall organize by selecting from its members a chairman and may do all things necessary and convenient for carrying into effect the provisions of this chapter and may from time to time promulgate rules and regulations that are necessary to properly administer this chapter. Each member of the commission shall receive as full compensation for his services the sum of $300.00 per month and his actual and necessary expenses incurred in the performance of duties pertaining to his office. The members of the real estate commission, the executive director and/or the assistant executive director, the attorney and the investigators shall be reimbursed for their actual expenses for official travel on official business of the real estate commission within or without the state of Alabama.

"(c) The commission may employ an executive director and an assistant executive director, both of whom shall be exempted from the classified service under the general laws of the state, and such clerks, investigators and assistants as it shall deem necessary to discharge the duties imposed by the provisions of this chapter and to effect its purposes, and the commission shall determine the duties and fix the compensation of such executive director, assistant executive director, clerks, investigators and assistants, subject to the general laws of the state.

"(d) The commission shall adopt a seal by which it shall authenticate its proceedings. Copies of all records and papers in the office of the commission duly certified and authenticated by the seal of said commission shall be received in evidence in all courts equally and with like effect as the original. All records kept in the office of the commission under authority of this chapter shall be open to public inspection under reasonable rules and regulations as shall be prescribed by the commission.

"(e) Any acts performed by a commissioner in carrying out the lawful duties of the commission shall not be subject to litigation for any acts taken as a commissioner.

"§ 34-27-31. (a) Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interest of the public. Every applicant for a license as real estate broker or real estate salesman shall be a person who has not been convicted of a criminal offense involving moral turpitude in this or any other state and shall so state on his application. The applicant must be a person whose application or license has not been rejected or revoked in this state or any other state within two years prior to date of application on any grounds other than failure to pass the written examination. Each applicant for a license shall be a citizen

of the United States and of at least 19 years of age.

"(b) Each real estate broker must sign a statement to the effect that he accepts the responsibility for the actions covered by this chapter of any and all salesmen licensed under him or any corporation or partnership for whom he is the qualifying broker, and, notwithstanding the type work relationship existing between the broker and salesmen, whether it be that of master-servant, independent contractor, or otherwise, it shall be the duty and responsibility of every broker to see that all transactions of every salesman licensed under him or any corporation or partnership for which he is qualifying broker comply with the provisions of this chapter and the broker shall be responsible to any injured party for the damage caused to such party by any violation of this chapter by any corporation or partnership for which he is qualifying broker or by any salesman while such salesman is licensed under such broker. This subsection in no wise relieves any salesman or any corporation or partnership from any liability that he would have but for this chapter.

"(c) The commission is authorized and directed to establish and maintain a real estate recovery fund from which any person, except bonding companies when they are not principals in a real estate transaction, aggrieved by an act, representation, transaction or conduct of a duly licensed broker, salesman, corporation, partnership or branch office, which is in violation of the provisions of this chapter or the regulations promulgated pursuant thereto, may recover, by order of the circuit court or other court having competent jurisdiction where the violation occurred, for only actual or compensatory damages, and not including interest and costs sustained by the act, representation, transaction or conduct; provided, that nothing shall be construed to obligate the fund for more than $25,000 per transaction regardless of the number of persons aggrieved or parcels of real estate involved in such transaction; nor shall any provision hereof be construed to prohibit any person from exercising the option of purchasing a bond in the open market payable to the state of Alabama in the amount of $25,000. Said bond shall provide coverage equivalent to the coverage provided by the real estate recovery fund. In addition:

"(1) This section shall not be construed to obligate the fund for the acts of a licensed broker, salesman, corporation, partnership or branch office while acting on his own behalf in property owned or in which he has an interest.

"(2) The liability of the fund for the acts of a duly licensed broker, salesman, corporation, partnership or branch office, when acting as such, is terminated upon the issuance of court orders authorizing payments from the fund for judgments, or any unsatisfied

portion of judgments, in an aggregate amount of $50,000 on behalf of such licensee.

"Any broker, salesman, corporation, partnership or branch office holding a license on October 1, 1979, shall file the fee required of the original applicant. When any person makes application for an original license to practice as a broker, corporation, partnership or branch office, he shall pay, in addition to his original license fee, a fee of $30 for deposit in the real estate recovery fund. When any person makes application for an original license to practice as a salesman, he shall pay, in addition to his original license fee, a fee of $20 for deposit in the real estate recovery fund. In the event that the commission does not issue the license, this fee shall be returned to the applicant.

"(d) If, on the date the renewal application is mailed in any year, the balance remaining in the real estate recovery fund is less than $500,000, every broker, corporation, partnership and branch office, when renewing their license for the following license year, shall pay, in addition to his license renewal fee, a fee of $15 for deposit in the real estate recovery fund, and every salesman, when renewing his license for such year, shall pay, in addition to his license renewal fee, a fee of $10 for deposit in the real estate recovery fund.

"(e) (1) No action for a judgment which subsequently results in an order for collection from the real estate recovery fund shall be started later than as provided by appropriate Alabama statute of limitation of action thereon. When any aggrieved person commences action for a judgment which may result in collection from the real estate recovery fund, the aggrieved person shall notify the commission in writing, by certified mail, return receipt requested, to this effect at the time of the commencement of such action. The commission is hereby authorized to employ legal counsel and shall have the right to intervene in and defend any such action. Any expenses incurred will be paid from the recovery fund. The commission is further authorized to settle or compromise said claim, and in that event, the claim may be paid directly from the fund.

"(2) When any aggrieved person recovers a valid judgment in any court of competent jurisdiction against any broker, salesman, corporation, partnership or branch office, for any act, representation, transaction or conduct which is in violation of the provisions of this chapter or the regulations promulgated pursuant thereto, which occurred on or after October 1, 1979, the aggrieved person may, upon the termination of all proceedings, including reviews and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, upon 10 days written notice to the commission, may apply to the court for an order directing payment out of the real estate recovery fund of the amount unpaid

upon the judgment, subject to the limitations stated in this section.

"(3) The court shall proceed upon such application in a summary manner, and, upon the hearing thereof, the aggrieved person shall be required to show:

"a. He is not a spouse of debtor, or the personal representative of such spouse;

"b. He has obtained a judgment, as set out in subdivision (2) of subsection (e) of this section, stating the amount thereof and the amount owing thereon at the date of the application, and, that in such action, he had joined any and all bonding companies which issued corporate surety bonds to the judgment debtors as principals and all other necessary parties;

"c. That the following items, if any, as recovered by him, have been applied to the actual compensatory damages awarded by the court:

"1. Any amount recovered from the judgment debtor or debtors;

"2. Any amount recovered from the bonding company or companies;

"3. Any amount recovered in out-of-court settlements as to particular defendants.

"(4) The court shall make an order directed to the commission requiring payment from the real estate recovery fund of whatever sum it shall find to be payable upon the claim, pursuant to the provisions of and in accordance with the limitations contained in this section, if the court is satisfied, upon the hearing, of the truth of all matters required to be shown by the aggrieved person.

"(5) Should the commission pay from the real estate recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensed broker, salesman, corporation, partnership or branch office, the license of such licensee may be terminated by the commission, upon the issuance of a court order authorizing payment from the real estate recovery fund, and no such licensee shall be eligible to receive a new license, at the discretion of the commission, until he has repaid in full, plus interest at the rate of six percent a year, the amount paid from the real estate recovery fund on his account. A discharge in bankruptcy shall not relieve a person from the penaltes and disabilities provided, in this subsection.

"(6) If, at any time, the money deposited in the real estate recovery fund is insufficient to satisfy any duly authorized claim or portion thereof, the commission shall, when sufficient money has

been deposited in the real estate recovery fund, satisfy such unpaid claims or portions thereof in the order that such claims or portions thereof were originally filed, plus accumulated interest at the rate of six percent a year.

"(f) The sums received by the commission pursuant to any provisions of this section shall be deposited into the state treasury and held in a special fund to be known as the real estate recovery fund, and shall be held by the commission in trust for carrying out the purposes of this section. These funds may be invested by the state treasurer in any investments which are legal for domestic life insurance companies under the laws of this state. Any interest or other income from investments of this fund shall be deposited in the state treasury.

"(g) It shall be unlawful for any person or his agent to file with the commission any notice, statement or other document required under the provisions of this section which is false, untrue or contains any material misstatement of facts and shall constitute a misdemeanor.

"(h) When the commission receives notice, as provided in subsection (e), the commission may enter an appearance, file an answer, appear at the court hearing, defend the action or take whatever other action it may deem appropriate on the behalf and in the name of the defendant, and take recourse through any appropriate method of review on behalf and in the name of the defendant.

"(i) When, upon the order of the court, the commission has paid from the real estate recovery fund any sum to the judgment creditor, the commission shall be subrogated to all of the rights of the judgment creditor, and the judgment creditor shall assign all his right, title and interest in the judgment to the commission, and any amount and interest so recovered by the commission on the judgment shall be deposited to the fund.

"(j) The failure of an aggrieved person to comply with all of the provisions of this section shall constitute a waiver of any rights hereunder.

"(k) If at any time there is rendered a final judgment against a licensee under this chapter, the license of the principal may be suspended. A judgment shall be considered final when no further relief is available from said judgment in the appeal courts of Alabama. In case of such suspension of license, the commission shall give notice to the licensee that his license is suspended, and said licensee shall deliver his license to the commission for disposition. Upon request by the suspended licensee, the commission will set a date designating the date, time and place thereon for a hearing on the question of

whether the license under suspension should be revoked, whether the suspension should be continued or whether the suspension should be terminated upon the fulfillment of reasonable conditions imposed by the commission. The hearing shall be conducted as hereinafter provided. No salesman or broker whose license has been revoked may apply for a license hereunder until at least two years after the date of such revocation and, in the event of such application for reinstatement, he shall meet all the requirements imposed upon an original applicant for a license under this chapter and shall not be relicensed unless a majority of the commission votes in favor of such relicensing.

"(1) It shall be the duty of every licensee, within ten days after receipt by him of a citation issued to him from any court of competent jurisdiction or within ten days from the institution of any prosecution against him, the subject matter of which involved a transaction, to which he was a party, of any real estate or real estate business, or the good will of an existing real estate business, to notify the commission in writing within ten days. Such notification shall be addressed to the commission by United States registered mail or certified mail. For failure to give such notification the commission may suspend the license of such licensee from the date on which he receives written notice of suspension from the licensing authority until he is reinstated by the commission. Similarly, the licensee shall notify the commission within 10 days from the date on which he enters into a compromise of any suit or a judgment by the court of dismissal of the action, civil or criminal, is rendered.

"§ 34-27-32. (a) Every application for a real estate broker's license shall apply therefor in writing upon blanks prepared by the commission. Along with the application, he shall submit proof satisfactory to the commission that he has been engaged full time as a real estate broker or salesman licensed by the state of Alabama or another state for a period of at least two years immediately prior to the date of application and proof that he has been awarded a diploma from a duly accredited high school in this state or another state, or a certificate from a recognized educational institution equivalent to a high school diploma. He shall also submit proof that he has completed a course in real estate approved by the commission. In lieu of two years' experience as a salesman and completion of a course approved by the Alabama real estate commission, said applicant may furnish a certificate that he has received a degree in real estate or successfully completed at least 15 credit hours in real estate subjects at an accredited college or university approved by the commission. He shall also furnish such other data and information as the commission may require.

"(b) Such application, other than an application for a corporation or partnership, shall be accompanied by the recommendation of at least three citizens who know the applicant and are not related to the applicant, certifying that the applicant bears a good reputation for honesty and trustworthiness and recommending that a license be granted to the applicant.

"(c) Every applicant for a salesman's license shall apply therefor in writing upon blanks prepared by the commission and shall furnish such data and information as the commission may require. Along with the application, he shall submit proof that he has been awarded a diploma from a duly accredited high school in this state, or another state, or a certificate from a recognized educational institution equivalent to a high school diploma. Said applicant shall also furnish proof that he has successfully completed a course in real estate approved by the commission. The applicant shall be allowed 60 days after passage of the examination to secure a broker for sponsorship, after which time he must meet the requirements of an original applicant. With the submission of the proper license fee, the broker under whom he is to be licensed must sign a sworn statement that the salesman is, in his opinion, honest, trustworthy, of good reputation, and that he accepts responsibility for the actions of such salesman as set out in section 34-27-31.

"(d) An applicant for a broker's license for a corporation or partnership shall be made by a qualifying broker. No broker's license shall be issued to a corporation or partnership unless an officer, partner or employee so designated to qualify the corporation or partnership has been issued a broker's license as an individual. When the officer, employee or partner so designated has been issued a broker's license as an individual and the corporation or partnership has complied with all pertinent requirements for the issuance of a broker's license to it, the commission shall, for a fee of $15.00, issue to it a broker's license. Each such designated officer, partner or employee of the corporation or partnership so licensed shall be entitled to perform all the acts of a broker as agent of such corporation or partnership, but shall not so act on his own behalf as long as he continues to be a designated broker, unless the written consent thereto of such corporation or partnership is filed with the commission.

"(e) If the applicant for a broker's license maintains more than one place of business within the state, he shall apply for and obtain an additional firm license for each such branch office. Every application shall state the location of such branch office and the name of the person in charge of it. Every branch office shall be under the direction and supervision of a broker licensed at that address.

"(f) All applicants for a real estate license must be bona fide

residents of this state prior to submitting application to take the examination, and shall submit evidence of such residence as required by the real estate commission.

"(g) A broker or salesman previously licensed and whose license has expired may renew same at anytime within the license year following the year within which he held a license upon application to the commission without taking a written examination; provided, that a penalty shall be paid as provided in section 34-27-35(b).

"(h) Any broker, properly authorized, may serve as broker for more than one corporation or partnership provided he first obtains the written consent of all corporations or partnerships for which he is already a qualifying broker. Any salesman licensed under a broker may be employed by a corporation or partnership which has the same broker as a qualifying broker.

"(i) The license of a corporation or partnership shall cease unless at least one designated officer, partner or salesman, as the case may be, is a licensed broker, except as hereinafter provided. Within 30 days after the death, disability or retirement of the broker through whom the corporation or partnership has qualified as a broker hereunder, the corporation, or the remaining partner or partners or the successor partnership, if any, may designate another of its officers, members or salesman duly designated by the governing body of such corporation or partnership to apply for a temporary license as broker, provided that the individual thus designated, if not already a licensed broker under this chapter, must have held an Alabama license as a salesman for a period of at least one year prior to the filing of his application to act as broker, and such corporation or partnership may continue to act as a broker for a period of six months after the death, disability or retirement of its sole qualifying broker. On or before the expiration of said six-month period, unless the corporation or partnership designates a person who is licensed as a broker under other provisions of this chapter, some designated officer, member or salesman of such corporation or partnership must successfully complete the broker's examination and comply with all of the other requirements of this chapter for the licensing of a broker, otherwise the authority of such corporation or partnership to act as a real estate broker shall terminate at the end of such six-month period. During the six-month period the commission shall have the right to suspend or revoke the license of the partnership or corporation for cause as elsewhere provided herein.

"(j) No license issued by any municipality or by any county to any person, partnership or corporation purporting to license such person, partnership or corporation to act as a real estate broker or salesman shall be valid unless such person, partnership or corporation,

as the case may be, holds a valid license issued to such applicant pursuant to this chapter, which license has not expired or been suspended or been revoked.

"§ 34-27-33. (a) In addition to proof of the honesty, trustworthiness and good reputation of any applicant for a license, every applicant for a real estate broker's or real estate salesman's license shall submit to a reasonable written examination, except as hereinabove provided, to be conducted by the commission. The commission shall conduct examinations at its discretion, but at least once quarterly, at such place and time as shall be set by the commission. The fee for such examination shall be $75.00 for each and every examination taken by the applicant, and no refund shall be made in the event an applicant fails the examination, but such fee shall be deposited to the account of the Alabama real estate commission. In the event an applicant is scheduled for an examination and fails to appear, one-half of the examination fee of $75.00 will be forfeited. Liability for forfeiture occurs at the time the examination permit is issued.

"(b) In the event the license of any real estate broker or salesman shall be revoked by this commission, no new license shall be issued to such person, unless he meets all requirements of this chapter and complies with all provisions of this chapter.

"(c) No person shall be permitted or authorized to act as a real estate broker or salesman until he has qualified by examination, except as herein provided, and until he actually receives in his possession the license certificate issued by the Alabama real estate commission.

"(d) Upon satisfactorily passing such examination and complying with all other provisions of this law and conditions of this chapter, a license shall thereupon be issued to the successful applicant; and upon actually receiving such license certificate, the applicant is authorized to conduct the business of a real estate broker or real estate salesman in this state.

"§ 34-27-34. (a) All licenses issued to a real estate broker shall designate the address of the principal place of business, and all licenses issued to a real estate salesman shall designate the broker under whom said salesman is licensed. A duly licensed broker whose principal business is other than that of a real estate broker shall not be allowed to engage salesmen, and no license shall be issued to any salesman purporting to work for any such licensed broker unless it can be shown that the legal duties and responsibilities of the broker and salesman can be discharged on the basis of an actual supervisory capacity. Notice in writing shall be given to the commission by any real estate

salesman of his desire to change his broker, and he shall send a copy of said notice to the broker under whom he is licensed, and he shall submit evidence to the commission that this has been done. A request for transfer directed to the commission by the licensed broker to whom the salesman or broker is about to transfer and a statement from the broker assuming liability for him shall be sent to the commission. If no valid objection is filed, upon payment of a fee of $25.00, a new license shall be issued by the commission to such salesman for the unexpired term of the original license. The former broker shall notify the commission within seven days if he has any objections to the transfer, setting same out clearly in a letter to the commission. No license transfer shall be made during the month of September except in case of undue hardship.

"(b) If for any reason a broker wishes to terminate the employment of a salesman and to be relieved of future responsibility for his acts, he may do so by notifying the salesman and the commission in writing and sending in the salesman's license to the commission or certifying to the commission that it has been lost or destroyed.

"(c) If for any reason a broker wishes to terminate his status as a qualifying broker for a corporation or a partnership and be relieved of future responsibility for its acts, he may do so by notifying the corporation or partnership and the commission.

"(d) It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this chapter, either directly or indirectly, after his employment has been terminated or if he changes brokers until another license has been issued by the Alabama real estate commission.

"§ 34-27-35. (a) The commission shall issue to each licensee a license in such form and of such size as shall be prescribed by the commission. A broker's license shall show the name and business address of the licensee. A salesman's license shall show his name and the name of the broker under whom he is licensed. Each license shall have imprinted thereon the seal of the commission and, in addition to the foregoing, shall contain such matter as shall be prescribed by the commission. The license of each real estate salesman shall be delivered or mailed to the real estate broker by whom such real estate salesman is employed and shall be kept in the custody and control of such broker.

"(b) The following fees or licenses shall be paid by all licensees in the state of Alabama. The original fee for each real estate broker's license issued to an individual shall be $25.00, and the annual renewal fee for each such real estate broker's license shall be $25.00. The original fee for each real estate salesman's license shall be $15.00

and the annual renewal fee for each real estate salesman's license shall be $15.00. The original fee for each license issued to a corporation or to a partnership shall be $15.00, and the annual renewal fee shall be $15.00. The original fee for each branch office shall be $15.00, and the annual renewal fee shall be $15.00.

"Effective October 1, 1979, any broker, salesman, corporation, partnership or branch office holding a license shall file the fee for the real estate recovery fund as if an original applicant. When any person makes application for an original license to practice as a broker, corporation, partnership or branch office, he shall pay, in addition to his original license fee, a fee of $30.00 for deposit in the real estate recovery fund. When any person makes application for an original license to practice as a salesman, he shall pay, in addition to his original license fee, a fee of $20.00 for deposit in the real estate recovery fund. If, on the date of application of any year, the balance remaining in the real estate recovery fund is less than $500,000.00, every broker, corporation, partnership and branch office, when renewing their license during the following year, shall pay, in addition to his license renewal fee, a fee of $15.00 for deposit in the real estate recovery fund, and every salesman, when renewing his license during such year, shall pay, in addition to his license renewal fee, a fee of $10.00 for deposit in the real estate recovery fund. The provisions of this subsection notwithstanding, no person who has purchased a bond in the open market, payable to the state of Alabama, shall be required to pay into the real estate recovery fund. Upon proof such bond provides coverage equivalent to the coverage provided by the real estate recovery fund, and in an amount not less than $25,000.00, the commission shall waive any fee for deposit in the real estate recovery fund.

"Annual renewal fees must accompany the certificate of continuation in business, which must be filed on or before August 31 of each ensuing year. Licensees who renew between September 1 and October 31, inclusive, shall pay a penalty of $15.00 in addition to the license fee. Beginning November 1 through September 30, inclusive, the licensee shall pay the required licensee fee, a penalty fee of $15.00 plus a $50.00 reactivation fee. After September 30, a license shall lapse and the licensee must apply as an original applicant.

"(c) Every applicant for a license as broker or salesman, other than an applicant for renewal of an existing license, shall pay, in addition to the fees provided for in subsection (b) of this section, the examination fee of $75.00, which payment must be made by separate certified check, cashier's check, post office money order or money order issued by any person duly licensed to do business in Alabama under Chapter 7 of Title 8 of this Code; provided, that an

additional fee of $75.00 is paid each time the examination is taken.

"(d) Each license issued by this commission under this section shall be valid without further recommendation or examination until revoked or suspended or until such license shall lapse for failure to file a certificate of continuation as provided for in this section.

"(e) Licensees under this chapter shall be exempt from the provisions of sections 5-19-22 and 5-19-27.

"(f) Each licensee shall file, on or before August 31 of each ensuing year, a certificate of continuation in business on a form prescribed by the Alabama real estate commission. The certificate of continuation in business shall be mailed by the commission to the licensee's place of business prior to August 1 each year.

"Every license shall expire at midnight on the thirtieth day of September of each year. The license of any licensee who fails to file a certificate of continuation prior to the thirtieth day of September of each ensuing year shall lapse, and such broker or salesman shall be subject to all the requirements of such sections applicable to persons who have never been licensed unless the commission for good cause shown, determines that the certificate of continuation could not have been filed by the thirtieth day of September, but is filed within 15 days from said date. No license shall be transferred during the month of September except in case of undue hardship.

"(g) The commission shall have the authority, at its discretion, to issue licenses, which shall be prepaid for a period of one or more years at the prevailing fees."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-232 H.J.R. 302—Reps. Holmes, Jackson, Escott, Reed

HOUSE JOINT RESOLUTION

WELCOMING THE NATIONAL CONFERENCE OF BLACK MAYORS TO ALABAMA.

WHEREAS, it is with a sense of warm friendship that the Alabama Legislature notes that the National Conference of Black Mayors

will be holding its annual meeting in Birmingham from April 21 through April 24, 1982; and

WHEREAS, founded in Tuskegee, Alabama, ten years ago as the Southern Conference of Black Mayors, its national headquarters are in Atlanta, Georgia, with offices in Washington, D. C.; and

WHEREAS, Mayor Richard Hatcher of Gary, Indiana, is President and Mayor Johnny Ford of Tuskegee is Second Vice President; and

WHEREAS, the major objectives of this national service organization include providing technical assistance to 209 Black Mayors now serving in 26 states, promoting community economic development, working toward making advancements in the field of Energy Management, and promoting and improving Rural Development; and

WHEREAS, it is a private non-profit organization that serves as an outspoken advocate for the well being of cities throughout America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily welcome the National Conference of Black Mayors to Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be made available to this outstanding organization as evidence of our high esteem and great regard.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-233 H.J.R. 304—Rep. Williams

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND DAVID CRAWFORD CURRY OF DALEVILLE, ALABAMA.

WHEREAS, Mr. David Crawford Curry, who is a native of Bay Minette, Alabama, and a graduate of that community's high school, was inducted into the United States Army in 1941 to serve continuously, with the exception of a four-year period following World War II, until his retirement in 1966; and

WHEREAS, during his military career, he served variously in the United States as well as in England, France, Korea, Okinawa, Alaska and Germany, and was decorated with the European-African

Middle Eastern Medal with one Bronze Star, the American Service Medal, World War II Victory Medal, American Defense Service Medal and the Good Conduct Medal as well; and

WHEREAS, also while in military service, Mr. Curry was ordained as a Deacon and Licensed Minister by the Ardsley Park Baptist Church of Savannah, Georgia, and served interim pastorates in Hinesville, Georgia, and at Hanau Baptist Church in Hanau, Germany; and

WHEREAS, in 1966 and retired from the military, Mr. Curry attended the Baptist Bible Institute of Graceville, Florida, and was ordained as a Southern Baptist Minister the following year; and

WHEREAS, the Reverend Curry retired from the full-time ministry on December 31, 1981, after having pastored the New Hope Baptist Church in Geneva, Alabama, for some two years; the Southside Baptist Church of Marianna, Florida, for three years; and his last pastorate at Bethel Baptist in Newton, Alabama, for more than ten years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. David Crawford Curry of Daleville, Alabama, both on his distinguished military career and for faithful ministerial service for the past 15 years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Rev. Curry that he may know of our sincere praise and warm personal regard.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-234 H. 170—Rep. Smith (J)

AN ACT

To alter or rearrange the boundary lines of the City of Huntsville in Madison County, Alabama, so as to include within the corporate limits and within the boundaries of said City all territory and property now within said corporate limits, and also certain other additional territory in Madison County, Alabama, and to provide for certain exemptions from ad valorem taxation with respect to said additional property.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Huntsville in Madison County, Alabama, be and hereby are altered or rearranged

so as to include within the corporate limits and within the boundaries of said municipality all territory now within the corporate limits and within the boundaries of said municipality, and also certain other territory in Madison County, Alabama, described as follows, to-wit:

All that part of the south half of Section 25, Township 3 South, Range 1 West, Madison County, Alabama, particularly described as beginning at a point on the east margin of Meridian Street; said point is further described as South 2 degrees 54 minutes East 1016.38 feet; North 68 degrees 01 minutes West 11.70 feet; North 31 degrees 59 minutes East 48.0 feet; North 68 degrees 02 minutes West 726.3 feet and North 18 degrees 34 minutes East 389.15 feet from the center of said Section 25;

Thence from the point of beginning North 18 degrees 34 minutes East along the east margin of Meridian Street a distance of 283.85 feet;

Thence North 54 degrees 22 minutes East 81.0 feet to the south margin of Oakwood Avenue;

Thence South 89 degrees 44 minutes East along the south margin of said Oakwood Avenue a distance of 856.40 feet to the west margin of the Southern Railway right-of-way;

Thence South 21 degrees 53 minutes West along the west margin and 25.0 feet measured at right angles from the centerline of said Southern Railway right-of-way a distance of 613.4 feet;

Thence North 68 degrees 02 minutes West 83.0 feet;

Thence South 21 degrees 53 minutes West 43 feet;

Thence North 68 degrees 02 minutes West 180.0 feet;

Thence South 21 degrees 53 minutes West 12.0 feet;

Thence North 68 degrees 02 minutes West 560.26 feet to the point of beginning and containing 9.45 acres, more or less.

The above-described tract is subject to a 5.0 foot-wide utility easement taken evenly off the north side of the above-described tract as recorded in Deed Book 286, page 285, Probate Records, Madison County, Alabama.

Section 2. All portions of the territory which is brought within the corporate limits of the City of Huntsville pursuant to Section 1 hereof shall be exempt from City of Huntsville ad valorem taxation for a period of ten years, provided however, that if during said ten year period of exemption any portion of said property is used for the purpose of maintaining or constructing thereon any dwelling house, store house, or other commercial enterprise for the sale or distribution

at retail of any tangible personal property, then in that event such portion of the same as is so used or occupied shall become fully taxable for City ad valorem tax purposes beginning with the tax year next after such use or occupation.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-235 H. 572—Reps. Stout, Rains

AN ACT

Relating to DeKalb County; amending Act No. 372, S. 572, 1971 Regular Session (Acts 1971, p. 667), relating to the expense allowance of the coroner of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 372, S. 572, 1971 Regular Session (Acts 1971, p. 667), is hereby amended to read as follows:

"Section 1. In DeKalb County, the coroner shall be entitled to an allowance of $250.00 per month for expenses incurred in and about the performance of the duties of his office. The said expense allowance shall be paid at the end of each month from any funds in the county treasury not otherwise appropriated. The allowance shall be in lieu of all other compensation, fees, and allowances heretofore provided by law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-236 H. 573—Rep. Stout

AN ACT

To provide an expense allowance for the District Attorney of the Thirty-eighth Judicial Circuit for Jackson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of the Thirty-eighth Judicial Circuit for Jackson County, Alabama, shall be entitled to receive as an expense allowance, payable from the general fund of such county, a sum equal to thirty percent of the compensation paid such District Attorney by the state of Alabama. The expense allowance provided for herein is supplementary to the salary or compensation paid such District Attorney by the state, but shall be in lieu of all salaries, allowances or compensations now payable to such District Attorney out of the general fund of such county. The payments provided herein shall be payable in twelve (12) equal monthly installments on warrants properly drawn against the general fund of such county.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-237 H. 591—Rep. Riddick

AN ACT

Relating to the City of Huntsville in Madison County, to authorize the governing body of the City of Huntsville to appropriate and pay from any general funds of the City otherwise unappropriated, up to the sum of $3,000.00 for information leading to the arrest and conviction of the guilty person for any high crime or misdemeanor, in any case where the said governing body has, prior to the passage of this act manifested the intent of the governing body to appropriate any sum up to $3,000.00 with respect to any high crime or misdemeanor heretofore committed, said sum to be paid only upon order of the Court before which such conviction was had.

Be It Enacted by the Legislature of Alabama:

Section 1. The Governing body of the City of Huntsville, in Madison County, is hereby authorized to appropriate and pay from any general funds of the City otherwise unappropriated, up to the sum of $3,000.00 for information leading to the arrest and conviction of the guilty person for any high crime or misdemeanor in any case where the said governing body has, prior to the passage of this act, manifested the intent of the governing body to appropriate any sum up to $3,000.00 with respect to any high crime or misdemeanor hereto-

fore committed; said sum to be paid only upon order of the Court before which such conviction was had.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-238 H. 653—Reps. Penry, McMillan

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores in Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Gulf Shores in Baldwin County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Commence at the Northeast corner of Lot 1, Block "A" of Baldwin Beach Properties, as recorded in Map Book 4, Page 230, of the Baldwin County Probate Records, for the Point of Beginning; run thence North 82 degrees, 37 minutes, 41 seconds East along the South right-of-way of West Gulf Shores Boulevard along a curve to the left for a chord distance of 51.91 feet; run thence South for 349 feet, more or less, to the North margin of the Gulf of Mexico; run thence in a Southwesterly direction along said margin of the Gulf of Mexico to a point that is South 00 degrees, 14 minutes, 30 seconds West and 348 feet, more or less, from the Point of Beginning; run thence North 00 degrees, 14 minutes, 30 seconds East for 348 feet, more or less, to the Point of Beginning. Said land being in Section 27, Township 9 South, Range 3 East, Baldwin County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-239 H. 669—Rep. Reed

AN ACT

Relating to Lee County and to Macon County, Alabama; to permit any state or national bank with its principal place of business in Lee County to establish, maintain and operate, with the prior written approval of the State Superintendent of Banks for a state bank or of the Comptroller of the Currency for a national bank, one or more branches, branch banks or branch offices for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business in Notasulga, Macon County, Alabama; to repeal all laws or parts of laws in conflict herewith; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Any state or national bank whose principal place of business is located in Lee County, Alabama, may establish, maintain and operate additional offices or additional branch banks for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business in Notasulga, Macon County, Alabama, with prior written approval of the State Superintendent of Banks in the case of a state bank or of the Comptroller of the Currency in the case of a national bank. The authority granted in this Act may be exercised by opening a new office or by relocating some existing office.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-240 H. 672—Reps. Manley, Pegues

AN ACT

To provide for a certain increase in costs and charges of court in the Marengo County division of the Seventeenth Judicial Circuit of this state to be used to assist in service of process and service of subpoenas in civil and criminal court cases and for improvement of law enforcement by the sheriff of Marengo County.

Be It Enacted by the Legislature of Alabama:

Section 1. On the first day of the first month next following the effective date of this act, all costs and charges of court in the Marengo County division of the Seventeenth Judicial Circuit of this state shall be increased by five dollars ($5.00) with the proceeds from such increase to be paid into the pistol permit fund of Marengo County to be used to assist in service of process and service of subpoenas in civil and criminal court and for improvement of other law enforcement activities by the sheriff of Marengo County.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-241 H. 676—Reps. Roberts, Patton

AN ACT

To amend Section 1 of Act No. 726, H. 1050, 1978 Regular Session (Acts 1978, p. 1051), relating to salary supplements for circuit judges in Morgan County, so as to provide further for such salary supplements and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 726, H. 1050, 1978 Regular Session (Acts 1978, p. 1051), is hereby amended to read as follows:

"Section 1. The circuit judges of Morgan County shall receive a supplemental salary, commencing retroactively to June 16, 1981, to be paid in equal monthly installments from the county general fund, in an amount equal to thirty percent of the prevailing salary paid to such circuit judges in this state. Such supplement shall be paid in lieu of all other supplemental or expense payments heretofore provided by law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-242 H. 679—Reps. Roberts, Patton, Letson

AN ACT

Providing a certain expense allowance for the sheriff of Morgan County, Alabama, which shall become part of the base salary of $26,000 per annum of said sheriff at the beginning of the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided for the sheriff of Morgan County, Alabama, an additional expense allowance of $7,500 per annum which shall become part of the base salary of $26,000 per annum of said sheriff at the beginning of the next term of office. Such additional allowance shall be paid in equal monthly installments from the county treasury.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of law which conflict with this act are hereby repealed.

Section 4. This act shall become effective on October 1, 1982.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-243 H. 693—Rep. Kelley

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Guntersville in Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Guntersville in Marshall County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the

following territory, to-wit:

Beginning at the Northeast corner of Section 1, Township 8 South, Range 3 East of the Huntsville Meridian, Marshall County, Alabama, the present corner of the existing corporate limits of the City of Guntersville, Alabama;

Thence from the true Point of Beginning South along and with the Eastern boundary of said Section 1, 2000. feet to a point;

Thence Northeastwardly approximately 5000. feet to the Northeast corner of Section 6, Township 8 South, Range 4 East;

Thence Eastwardly along the Northern boundary of Section 5, Township 8 South, Range 4 East, approximately 2640. feet to the center of the Northern boundary of said Section 5;

Thence Southerly approximately 170. feet to the Northwest corner of the Little Mountain State Park boundary;

Thence South 03 degrees, 34 minutes East along and with the Park boundary 1165. feet to TVA Monument No. 28;

Thence South 89 degrees, 26 minutes East along and with the Park boundary 1324. feet to TVA Monument No. 29;

Thence South 44 degrees, 21 minutes East along and with the Park boundary 1916. feet to TVA Monument No. 30;

Thence South 0 degrees, 56 minutes East along and with the Park boundary 1279. feet to TVA Monument No. 31;

Thence South 89 degrees, 37 minutes East along and with the Park boundary 1345. feet to TVA Monument No. 32;

Thence North 89 degrees, 37 minutes East along and with the Park boundary 151. feet to TVA Monument No. 33, a point on the Northern margin of State Road No. 227;

Thence along and with the Northern margin of State Road No. 227 as it meanders and the State Park boundary, a chord bearing and distance of North 89 degrees, 56 minutes East 910. feet to TVA Monument No. 34;

Thence North 89 degrees, 45 minutes East along the State Park boundary 233. feet to TVA Monument No. 35;

Thence North 0 degrees, 29 minutes East along and with the State Park boundary 959. feet to TVA Monument No. 36, a point on the Northwesterly margin of State Road No. 227;

Thence along and with said margin of said road and the State Park boundary, as it meanders, a chord bearing and distance of North

35 degrees, 45 minutes East 453. feet to TVA Monument No. 37;

Thence North 89 degrees, 22 minutes East along and with the State Park boundary 458. feet to TVA Monument No. 38;

Thence South 48 degrees, 04 minutes East along and with the Park boundary 807. feet to TVA Monument No. 39;

Thence South 0 degrees, 31 minutes East along and with the Park boundary 774. feet to TVA Monument No. 40;

Thence South 02 degrees, 22 minutes East along and with the State Park boundary 1379. feet to TVA Monument No. 41;

Thence South 36 degrees, 32 minutes East along and with the State Park boundary 2326. feet to TVA Monument No. 42;

Thence South 89 degrees, 08 minutes East along and with the Park boundary 1311. feet to TVA Monument No. 43, a point on the brow of a bluff;

Thence along and with the brow of the bluff, the State Park boundary, as it meanders South 86 degrees, 19 minutes East 1333. feet to TVA Monument No. 44;

Thence North 89 degrees, 40 minutes East along and with the State Park boundary 1588. feet to TVA Monument No. 45;

Thence South 56 degrees, 31 minutes East along and with the State Park boundary 1300. feet to TVA Monument No. 46;

Thence South 0 degrees, 17 minutes East along and with the State Park boundary 2667. feet to TVA Monument No. 47;

Thence South 01 degrees, 36 minutes East along and with the State Park boundary 1321. feet to TVA Monument No. 48;

Thence South 89 degrees, 29 minutes East along and with the State Park boundary 2736. feet to TVA Monument No. 49;

Thence North 01 degrees, 10 minutes East along and with the State Park boundary 1370. feet to TVA Monument No. 50;

Thence South 89 degrees, 28 minutes West along and with the State Park boundary 1401. feet to TVA Monument No. 51;

Thence North 02 degrees, 27 minutes West along and with the State Park boundary 2661. feet to TVA Monument No. 52;

Thence North 03 degrees, 02 minutes East along and with the State Park boundary 1360. feet to TVA Monument No. 53;

Thence South 89 degrees, 57 minutes East along and with the State Park boundary 1303. feet to TVA Monument No. 54;

Thence North 02 degrees, 32 minutes West along and with the State Park boundary 1219. feet to TVA Monument No. 55;

Thence North 88 degrees, 19 minutes West along and with the State Park boundary 2580. feet to TVA Monument No. 56;

Thence South 89 degrees, 56 minutes West along and with the State Park boundary 2649. feet to TVA Monument No. 57;

Thence North 42 degrees, 09 minutes West along and with the Park boundary 2120. feet to TVA Monument No. 58;

Thence North 01 degrees, 55 minutes West along and with the State Park boundary 1107. feet to TVA Monument No. 59;

Thence North 45 degrees, 10 minutes East along and with the State Park boundary 1884. feet to TVA Monument No. 60;

Thence North 01 degrees, 04 minutes West along and with the State Park boundary 1339. feet to TVA Monument No. 61;

Thence Northeastwardly along and with the centerline of State Road No. 227, approximately 11,000. feet to a point on the Northern boundary of Section 35, Township 7 South, Range 4 East, said point being on the boundary of the Little Mountain State Park at a point that is South 89 degrees, 38 minutes East approximately 200. feet from TVA Monument No. 53,

Thence South 89 degrees, 38 minutes East along and with the State Park boundary 896. feet to TVA Monument No. 54;

Thence South 88 degrees, 26 minutes East along and with the Park boundary 1318. feet to TVA Monument No. 55;

Thence North 01 degrees, 12 minutes West along and with the State Park boundary 1296. feet to TVA Monument No. 56;

Thence North 01 degrees, 18 minutes East along and with the State Park boundary 1219. feet to TVA Monument No. 57;

Thence North 82 degrees, 17 minutes East along and with the State Park boundary 1326. feet to TVA Monument No. 58;

Thence North 01 degrees, 01 minutes West along and with the State Park boundary 2527. feet to TVA Monument No. 59;

Thence North 89 degrees, 01 minutes East along and with the State Park boundary 1331. feet to TVA Monument No. 60;

Thence North 0 degrees, 18 minutes East along and with the State Park boundary 1321. feet to TVA Monument No. 61;

Thence North 89 degrees, 57 minutes East along and with the State Park boundary 1325. feet to TVA Monument No. 62;

Thence North along and with the State Park boundary 1298. feet to TVA Monument No. 63;

Thence North 0 degrees, 10 minutes East along and with the State Park boundary 2723. feet to TVA Monument No. 64;

Thence South 89 degrees, 19 minutes East along and with the State Park boundary 1355. feet to TVA Monument No. 1;

Thence North 0 degrees, 08 minutes East along and with the State Park boundary 2652. feet to TVA Monument No. 2;

Thence North 45 degrees, 40 minutes East along and with the State Park boundary 1892. feet to TVA Monument No. 3;

Thence North 89 degrees, 32 minutes East along and with the State Park boundary 1365. feet to TVA Monument No. 4;

Thence South 89 degrees, 24 minutes East along and with the State Park boundary 1326. feet to TVA Monument No. 5;

Thence North 45 degrees, 43 minutes East along and with the State Park boundary 1856. feet to TVA Monument No. 6;

Thence North 01 degrees, 05 minutes West along and with the State Park boundary 105. feet to TVA Monument No. 7, on the brow of a bluff;

Thence along and with the brow of the bluff and the boundary of the State Park as it meanders a chord bearing and distance of North 35 degrees, 13 minutes East 2218. feet to TVA Monument No. 8;

Thence North 01 degrees, 26 minutes West along and with the State Park boundary 721. feet to TVA Monument No. 9;

Thence South 89 degrees, 56 minutes East along and with the State Park boundary 2650. feet to TVA Monument No. 10;

Thence South 01 degrees, 39 minutes East along and with the State Park boundary 2698. feet to TVA Monument No. 11;

Thence South 0 degrees, 10 minutes West along and with the State Park boundary 2448. feet to TVA Monument No. 12;

Thence North 89 degrees, 27 minutes East along and with the State Park boundary 2631. feet to TVA Monument No. 13;

Thence North 01 degrees, 01 minutes West along and with the State Park boundary 2468. feet to TVA Monument No. 14;

Thence North 01 degrees, 01 minutes West along and with the State Park boundary 1356. feet to TVA Monument No. 14-A;

Thence North 01 degrees, 03 minutes West along and with the State Park boundary 1356. feet to TVA Monument No. 15;

Thence North 45 degrees, 28 minutes West along and with the State Park boundary 1890. feet to TVA Monument No. 16;

Thence North 45 degrees, 30 minutes West along and with the State Park boundary 1890. feet to TVA Monument No. 17;

Thence South 89 degrees, 21 minutes West along and with the State Park boundary 1317. feet to TVA Monument No. 18;

Thence South 89 degrees, 03 minutes West along and with the State Park boundary 1319. feet to TVA Monument No. 18-A;

Thence South 89 degrees, 08 minutes West along and with the State Park boundary 1317. feet to TVA Monument No. 19;

Thence South 01 degrees, 11 minutes East along and with the State Park boundary 677. feet to TVA Monument No. 20;

Thence South 41 degrees, 21 minutes West along and with the State Park boundary 1941. feet to TVA Monument No. 21;

Thence South 01 degrees, 23 minutes East along and with the State Park boundary 500. feet to TVA Monument No. 22;

Thence North 89 degrees, 47 minutes West along and with the State Park boundary 1337. feet to TVA Monument No. 23;

Thence North 01 degrees, 06 minutes West along and with the State Park boundary 1311. feet to TVA Monument No. 24;

Thence North 89 degrees, 34 minutes West along and with the State Park boundary 1329. feet to TVA Monument No. 25;

Thence South 0 degrees, 44 minutes East along and with the State Park boundary 1314. feet to TVA Monument No. 26;

Thence South 0 degrees, 39 minutes East along and with the State Park boundary 1318. feet to TVA Monument No. 27;

Thence South 42 degrees, 04 minutes West along and with the State Park boundary 1788. feet to TVA Monument No. 28;

Thence North 88 degrees, 58 minutes West along and with the State Park boundary 1500. feet to TVA Monument No. 29;

Thence North 89 degrees, 35 minutes West along and with the State Park boundary 1315. feet to TVA Monument No. 65;

Thence South 02 degrees, 34 minutes East along and with the State Park boundary 1314. feet to TVA Monument No. 66;

Thence North 89 degrees, 50 minutes East along and with the State Park boundary 1034. feet to TVA Monument No. 67;

Thence South 22 degrees, 14 minutes West along and with the State Park boundary 1433. feet to TVA Monument No. 68;

Thence North 89 degrees, 29 minutes West along and with the State Park boundary 545. feet to TVA Monument No. 69;

Thence South 0 degrees, 16 minutes East along and with the State Park boundary 665. feet to TVA Monument No. 70;

Thence South 60 degrees, 10 minutes West along and with the State Park boundary 754. feet to TVA Monument No. 71;

Thence South 22 degrees, 09 minutes West along and with the State Park boundary 1703. feet to TVA Monument No. 72;

Thence South 30 degrees, 58 minutes West along and with the State Park boundary 1572. feet to TVA Monument No. 73;

Thence South 31 degrees, 03 minutes West along and with the State Park boundary 1572. feet to TVA Monument No. 74;

Thence South 89 degrees, 50 minutes West along and with the State Park boundary 1059. feet to TVA Monument No. 75;

Thence North 89 degrees, 36 minutes West along and with the State Park boundary 1310. feet to TVA Monument No. 76;

Thence North 01 degrees, 59 minutes East along and with the State Park boundary 1352. feet to TVA Monument No. 77;

Thence North 88 degrees, 09 minutes West along and with the State Park boundary 586. feet to TVA Monument No. 78;

Thence North 03 degrees, 46 minutes West along and with the State Park boundary 1356. feet to TVA Monument No. 79;

Thence North 19 degrees, 17 minutes East along and with the State Park boundary 2104. feet to TVA Monument No. 80;

Thence North 31 degrees, 51 minutes East along and with the boundary of the State Park boundary 2425. feet to TVA Monument No. 81;

Thence North 27 degrees, 19 minutes East along and with the State Park boundary 1345. feet to TVA Monument No. 82;

Thence North 27 degrees, 31 minutes East along and with the State Park boundary 2050. feet to TVA Monument No. 83;

Thence North 44 degrees, 03 minutes West along and with the State Park boundary 301. feet to TVA Monument No. 84;

Thence South 55 degrees, 53 minutes West along and with the State Park boundary 1656. feet to TVA Monument No. 85;

Thence South 68 degrees, 11 minutes West along and with the State Park boundary 1155. feet to TVA Monument No. 86,

Thence South 21 degrees, 26 minutes West along and with the State Park boundary 700. feet to TVA Monument No. 87;

Thence North 89 degrees, 02 minutes West along and with the State Park boundary 649. feet to TVA Monument No. 88;

Thence South 15 degrees, 26 minutes West along and with the State Park boundary 650. feet to TVA Monument No. 89;

Thence South 75 degrees, 33 minutes West along and with the State Park boundary 545. feet to TVA Monument No. 90;

Thence South 12 degrees, 01 minutes West along and with the State Park boundary 1243. feet to TVA Monument No. 91;

Thence North 89 degrees, 40 minutes West along and with the State Park boundary 1050. feet to TVA Monument No. 92;

Thence South 0 degrees, 21 minutes East along and with the State Park boundary 669. feet to TVA Monument No. 93;

Thence South 01 degrees, 20 minutes East along and with the State Park boundary 300. feet to TVA Monument No. 94;

Thence South 49 degrees, 02 minutes West along and with the State Park boundary 1136. feet to TVA Monument No. 95;

Thence South 89 degrees, 29 minutes West along and with the State Park boundary 438. feet to TVA Monument No. 96;

Thence South 89 degrees, 32 minutes West along and with the State Park boundary 745. feet to TVA Monument No. 97;

Thence South 83 degrees, 03 minutes West along and with the State Park boundary 1952. feet to TVA Monument No. 98;

Thence South 89 degrees, 36 minutes West along and with the State Park boundary 1290. feet to TVA Monument No. 99;

Thence North 88 degrees, 12 minutes West along and with the State Park boundary 1371. feet to TVA Monument No. 100;

Thence North 89 degrees, 36 minutes West along and with the State Park boundary 1160. feet to TVA Monument No. 101;

Thence North 89 degrees, 36 minutes West along and with the State Park boundary 105. feet to a point on the 600 contour, the Northwest corner of the State Park;

Thence due West to the thread of the stream (Tennessee River);

Thence Southwesterly along and with the thread of the stream to a point due North of the Northeast corner of Section 1, Township 8 South, Range 3 East;

Thence South to the Northeast corner of Section 1, Township 8 South, Range 3 East the Point of Beginning for the description herein.

Section 2. Provided, however, that the municipality of Guntersville assumes no duty to construct, repair or maintain any roads or streets inside any state park located on said territory.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-244 H. 694—Rep. Campbell

AN ACT

To create an Economic Development Council for Calhoun County for the purpose of promoting industry and trade and the economic development of said county; to provide for the organization, powers, functions, duties, funding, and personnel of such Council and to provide for the payment of the expenses of such Council; to provide for the issuance by the Council for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable from the revenues derived from the leasing or sale of any of its property and from any other or additional sources of revenue as may be specified; to provide that the Council may pledge for the payment of any bonds or obligations assumed by the Council any revenues from which those bonds or obligations are made payable; to authorize the Council to execute and deliver, as security for such bonds and obligations, mortgages, deeds of trust and trust indentures on such properties out of the revenues from which such securities are payable; to provide for the investment of funds of the Council; to authorize the sale or conveyance by the Council of any of its properties; to provide for the use of the proceeds of any such securities issued by the Council; to exempt the property and income of the Council and all securities issued by the Council and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the Council is a party, from all taxation in the state; to exempt the Council from all taxation in the state; to exempt the Council from payment of certain charges to judges of probate; to exempt the Council from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the Council from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for the disposition of the excess funds, if any, of the Council; to provide for the dissolution of the Council and the disposition of its property; and to repeal Act No. 425, H. 997, 1975 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) For the purposes of promoting industry and trade and economic development and to assist Calhoun County and the municipalities located therein in their pursuits therefor and to provide for the exercise by the County and the said municipalities of certain powers and authority proposed to be granted to them by an amendment to the Constitution of Alabama, the act proposing such amendment being adopted at the same session of the legislature at which this act was adopted, there is hereby created an economic development council for Calhoun County, which council shall constitute a public corporation under the name Calhoun County Economic Development Council.

(b) This act shall be liberally construed in conformity with the said purposes.

Section 2. The powers and authorities of the Calhoun County Economic Development Council shall be vested in and performed by a Board of Directors composed of nine members and one ex officio non-voting member, appointed as follows: five of the directors shall be appointed by the Calhoun County legislative delegation; two of the directors shall be appointed by the governing body of the County; and two of the directors shall be appointed by an appointing body composed of the mayors from each of the municipalities in the County. The non-voting ex officio member shall be the chairman of the Oversight Committee. Three of the initial members shall be appointed for a term of two years, three for a term of four years, and the remaining three for a term of six years. All reappointments shall be for six years thereafter. In determining who shall be appointed for an initial term of two, four or six years, the following procedure shall apply: the positions on the Board shall be numbered as indicated hereinabove, and, by lot, shall be designated as having initial terms of two, four or six years, respectively. All reappointments shall be made by the entity originally entitled to make the appointment to the initial term. Each appointee shall reside within the County, shall not hold any elective office, shall be a duly qualified elector of the County, and shall possess a background in business and financial affairs. In the event that any original position on the Board shall not have been filled within thirty days after the effective date of this act, then the Calhoun County legislative delegation shall have the right to appoint a qualified person to fill said position. If at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected.

Section 3. The affairs and operations of the Calhoun County

Economic Development Council shall be supervised and monitored by the Calhoun County Economic Development Council Oversight Committee. This committee shall be composed of all the members of the legislative delegation from the County, as well as the members of the governing body of the County, and the Mayors of each of the municipalities located in the County. The Chairman of the Oversight Committee shall be a member of the legislative delegation elected by the Oversight Committee. The oversight committee shall meet not less often than semiannually, and otherwise at the call of its Chairman or a majority of its membership. The approval of the oversight committee shall not be essential to the validity of any action taken by the Board of Directors in the exercise of any of the powers granted the Council in this act.

Section 4. The Council shall hold an organizational meeting within thirty days after the appointment of all its directors and shall elect a Chairman, Vice-Chairman, Secretary and Treasurer from among its members. Such officers shall serve for such terms as the Council by rule or regulation may prescribe. After the organizational meeting, the Council shall meet at such time and place as shall be designated in the call. The Chairman or a majority of the directors may call a meeting of the Council, and at least four meetings shall be held annually. The Chairman shall preside at each meeting of the Council. In the absence of the said Chairman, the Vice-Chairman or other person elected in accordance with any rule or regulation adopted by the Board of Directors shall preside. A majority of the directors shall constitute a quorum. Members of the Board of Directors shall receive no compensation for their services, but they shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their duties under this act.

Section 5. Upon the organization of the Council, said Council shall be constituted an instrumentality for the exercise of public and essential governmental functions and the exercise of the powers conferred by this act, and the economic and industrial development of the County shall be deemed to be an essential governmental function of the County.

Section 6. The council shall have the following powers, together with all power incidental thereto or necessary to the discharge thereof: The council or its agents and employees may (a) cooperate with municipal, regional, state or federal planning or other industrial and economic development authorities; (b) contract with other agencies, individuals or corporations to promote the purposes of this Act; provided, however, that no funds of the council be expended for any purpose other than purchase and/or development of industrial property except expenses as provided in Section 4 of this act; (c) act as

the industrial development agency for the entire county and as such agency to exercise all powers granted to municipal development agencies under the general laws of the state; (d) enter upon any land in the county, with consent of the owner, and make examinations and surveys and place and maintain necessary monuments and markings thereon; (e) accept gifts, grants, bequests or devises; (f) acquire, develop, improve, sell or lease land for industrial development only; (g) to borrow money and to pledge as security therefor its assets, and anticipated revenues; (h) to maintain civil actions and have civil actions maintained against it and to defend civil actions against it; (i) to adopt and alter bylaws for the regulation and conduct of its affairs and business; (j) to acquire, receive and take title to, by purchase, gift, lease, devise or otherwise, to hold, keep and develop and to transfer, convey, lease, assign or otherwise dispose of property of every kind and character, real, personal and mixed, and any and every interest therein, located within the area of operation of the council, to any person; (k) to make, enter into and execute such contracts, agreements, leases, and other legal arrangements and to take such steps and actions as may be necessary or convenient in the furtherance of any purpose or the exercise of any power provided or granted to it by law; (l) to borrow money for any council purpose, function or use and to issue in evidence of the borrowing, interest-bearing bonds payable solely from the revenues derived from the operation or leasing or sale of any of its property; (m) to pledge for the payment of any bonds issued or obligations assumed by the council any revenues from which those bonds or obligations are made payable and to execute and deliver, security for such bonds and obligations, mortgages, deeds of trust, trust indentures and pledge indentures as provided for by law or hereafter; (n) to provide for such insurance as the council may deem advisable; (o) to invest any of its funds deemed by the authority to be not presently needed in the operation of its properties and undertakings and bonds, bills, or notes of the United States of America, bonds of the state, bonds of any county or municipality within the state and interest-bearing deposits in banks and savings and loan institutions or any thereof; (p) to cooperate with the United States of America and any agency, or instrumentality thereof, any state and its agencies and instrumentalities, any county or municipality or other political subdivision of a state and any other person, and to make and enter into contracts and all manner of legal arrangements with them or any of them and to obtain money by way of loans, grants or payments from them or any of them or property or other forms of assistance as the council may deem advisable to accomplish the purposes for which the council was created; and (q) in furtherance of the said purposes, the council shall have all powers conferred on corporations, entities or institutions of like nature by the laws of the State of Alabama and any amend-

ments thereof or supplementary thereto.

Section 7. Neither the County nor any municipality therein shall in any event be liable for the payment of any indebtedness of the Council or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the Council, and no indebtedness of the Council and none of its agreements or obligations shall be construed to constitute an indebtedness of the County or any municipality within the meaning of any constitutional or statutory provision whatsoever.

Section 8. Whenever the Board of Directors shall by resolution determine that the purposes for which the Council was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the Council have been fully paid, the members of the Board of Directors shall thereupon execute and file for record in the office of the judge of probate of the County a certificate of dissolution reciting such facts and declaring the Council to be dissolved.

Section 9. The certificate of incorporation of the Council, any deed or other documents whereby properties are conveyed to the Council, any mortgages or deed of trust executed by the Council, any leases made by the Council and the certificate of dissolution of the Council may all be filed for record in the office of the judge of probate of the County without the payment of any tax or fees other than such fees as may be authorized by law for the recording of such instruments.

Section 10. The Council and all properties at any time owned by it and the income therefrom and all bonds issued by it and the income therefrom shall be exempt from all taxation in the state of Alabama.

Section 11. All funds of the Economic Development Council shall be received by the treasurer of the Economic Development Council, and expended by the council only for the purposes described herein. All proceeds from the sale, lease or other disposition of assets of the council shall be reinvested in like purposes. The Economic Development Council shall receive all funds (a) appropriated to it under the provisions of House Bill 165, Regular Session 1982 of the Alabama Legislature; (b) all funds collected and remitted to the State Department of Revenue under the provisions of House Bill 221, Regular Session 1982 of the Alabama Legislature which would otherwise be distributed to the Calhoun County Commission and municipalities in Calhoun County.

Section 12. The Council is hereby exempted from the laws of the state of Alabama governing usury or prescribing or limiting

interest rates, including, without limitation, the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as amended.

Section 13. The Council and all contracts made by it shall be exempt from the provisions and requirements of Sections 41-16-50 through 41-16-63 of the Code of Alabama of 1975, which sections provide for competitive bids in connection with certain contracts.

Section 14. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 425, H. 997, 1975 Regular Session, (Acts 1975, p. 1020) is hereby specifically repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-245 H. 695—Rep. Gilmer

AN ACT

Relating to Marion County; to establish a special fund in the county treasury to pay a bounty to any resident of Marion County on certain beaver trapped or killed in Marion County; to provide for the administration of said fund and bounty system; and to prescribe punishment for any person found guilty of falsely making claim for a bounty.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marion County shall establish a special beaver fund in the county treasury with an initial deposit of $5,000.00 from the county general fund. Said beaver fund shall be used to pay bounties to any resident of the county in the amount of $10.00 per beaver that is freshly trapped or killed in Marion County.

Section 2. The payment of a bounty of $10.00 per beaver shall be administered by the senior state conservation officer assigned to Marion County, who must give an annual accounting and report to the county governing body on the beaver-bounty program in Marion County. Bounties shall be paid only upon the written authorization of said conservation officer.

Section 3. All claims for bounties must be filed with a con-

servation officer assigned to Marion County and the conservation officer shall have due reason to believe that the claimant is a resident of Marion County and that the beaver trapped or killed were freshly trapped or killed in Marion County.

Section 4. The conservation officer shall have absolute discretion in paying the bounty provided for in this act and his decision shall be final. Provided, however, any person who falsely makes claim for a bounty is guilty of a Class C felony and, upon conviction, shall be punished as prescribed by law.

Section 5. The county commission shall appropriate such sums annually at the beginning of the fiscal year as shall start the beaver-bounty fund off with $5,000.00 annually.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-246 H. 337—Reps. Ray, Grimsley, Sasser

AN ACT

To authorize the Barbour County Commission to compensate the Board of Equalization of Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Barbour County is authorized to compensate members of the Board of Equalization up to $30.00 per diem as set by the said Commission. Compensation under this act shall be in addition to the provisions of the Code of Alabama 1975, Section 40-3-7.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-247 H. 545—Reps. Langford, Wyatt, McKee

AN ACT

Relating to Montgomery County; providing further for the salary of the tax collector, effective upon the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective upon the expiration of the present term of office, the tax collector of Montgomery County shall receive an annual salary of $35,000.00 which shall be payable in equal monthly installments from the county treasury.

Section 2. The salary herein provided shall constitute the total compensation payable to the tax collector, in lieu of any other salary, expense allowance or other compensation heretofore provided by law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-248 H. 546—Reps. Langford, Wyatt, McKee

AN ACT

Relating to Montgomery County; providing further for the salary of the tax assessor, effective upon the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective upon the expiration of the present term of office, the tax assessor of Montgomery County shall receive an annual salary of $35,000.00. which shall be payable in equal monthly installments from the county treasury.

Section 2. The salary herein provided shall constitute the total compensation payable to the tax assessor, in lieu of any other salary, expense allowance or other compensation heretofore provided by law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-249 H. 547—Reps. Langford, Wyatt, McKee

AN ACT

Relating to Montgomery County; providing further for the salary of the probate judge effective upon the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective upon the expiration of the present term of office, the probate judge of Montgomery County shall receive an annual salary of $35,000.00. which shall be payable in equal monthly installments from the county treasury.

Section 2. The salary herein provided shall constitute the total compensation payable to the probate judge in lieu of any other salary, expense allowance or other compensation heretofore provided by law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-250 H. 636—Reps. Sasser, Ray, Whatley

AN ACT

To provide for a special recording fee of $1.00, in addition to all existing recording

fees and charges, for each such document hereafter filed for record in Barbour County; and to specifically repeal Act No. 81-731, H. 1048, 1981 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. On and after the date this act becomes applicable to Barbour County, a special recording fee of $1.00 shall be paid and collected by its Judge of Probate for services with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said Judge of Probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county, and, on and after such date, no such instrument shall be received for record in the office of said Judge of Probate unless the said special recording fee of $1.00 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments in the probate office in the discretion of the governing body of the county. All special recording fees so collected shall be paid to the Judge of Probate to be expended by the said Judge of Probate at his discretion for the improvement of the equipment and operations in the records room and for the salaries of any records personnel.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed and Act. No. 81-731, H. 1048, 1981 Regular Session (Act 1981, P. 1259) is hereby specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-251 H. 638—Rep. Moore

AN ACT

Relating to Shelby County; providing for a salary adjustment for the sheriff of Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Shelby County shall be compensated in an amount not less than fifteen (15) percent more than the chief deputy of Shelby County. Such sum shall be payable out of the general fund of Shelby County, in twelve (12) monthly installments.

Section 2. The sheriff of Shelby County shall continue to receive not less than the same compensation and allowances as he received, each month, prior to the passage of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-252 H. 656—Rep. Gilmer

AN ACT

Relating to Fayette County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county at the end of the current term; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Fayette County, notwithstanding the provisions of Section 40-12-10, Code of Alabama 1975, and any other general or local law of this state effective at the expiration of the current term of county license inspector, no person shall be appointed to the position of county license inspector of or for Fayette County. The position of county license inspector in said county is hereby abolished and the powers, duties and functions of said office shall henceforth be vested in and performed by the sheriff of said county. All fines, fees, and penalties heretofore paid to the license inspector for the performance of his duties of office shall be paid into the general fund of the county to be utilized to aid the elderly citizens of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-253 H. 657—Rep. Harvey

AN ACT

Relating to Blount County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1985, there shall be a county revenue commissioner in Blount County. A commissioner shall be elected at the general election in 1984 and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, com-

missions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office the county revenue commissioner shall receive an annual salary of $22,500, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Blount County are hereby abolished effective the first day of October, 1985.

Section 8. It is the purpose of this act to promote the public convenience in Blount County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective upon the ratification and adoption of an amendment to the Constitution of Alabama authorizing such an act, provided that a majority of the qualified electors of Blount County voting in such Constitutional amendment election approved the adoption of the amendment. If the vote in Blount County on such amendment is not favorable thereto, then this act shall have no force or effect.

Section 12. If the office of tax assessor or tax collector should become vacant between the time of ratification of this act by the electors of Blount County and September 30, 1985, this act would become effective immediately.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-254 H. 677—Reps. Roberts, Patton

AN ACT

Relating to Morgan County; providing for a certain salary supplement for the circuit judges of said county effective October 1, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective October 1, 1982, the county salary supplement of the circuit judges of Morgan County, Alabama, shall be increased to forty percent of the prevailing salary paid to such judges by the state. Such supplement shall be paid in lieu of all other supplemental or expense payments heretofore authorized by law.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-255 H.J.R. 10—Rep. Sasser

HOUSE JOINT RESOLUTION

ENLARGING THE SCOPE OF THE INTERIM COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES AS CREATED BY ACT NO. 1178, H.J.R. 430 OF THE 1975 REGULAR SESSION AND EXTENDED BY ACT NO. 79-752, H.J.R. 250 OF THE 1979 REGULAR SESSION, SO AS TO STUDY VARIOUS PROBLEM AREAS AND ISSUES OF THE RETIREMENT SYSTEMS OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the scope of the Interim Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues, as created by Act No. 1178, H.J.R. 430, of the 1975 Regular Session and extended by Act No. 79-752, H.J.R. 250, of the 1979 Regular Session, is hereby enlarged so that said committee shall investigate and make a report on the feasibility of allowing the Retirement Systems of Alabama to set Individual Retirement Accounts for public employees, the various supernumerary retirement programs not under the Retirement Systems of Alabama, the unit problem of the $600,000.00 clerks' and registers' fund under Act No. 81-684, S. 41, 1981 Regular Session, and any other problems and issues of the Retirement Systems of Alabama.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-256 H.J.R. 238—Rep. Barton

HOUSE JOINT RESOLUTION

COMMENDING THE WEST END CHRISTIAN HIGH SCHOOL MARCHING CRUSADERS BAND.

WHEREAS, the Legislature of Alabama, in pride and great pleasure, notes the selection of the West End Christian High School Marching Crusaders Band to participate in the Friendship Through Music Festival in Mexico City; and

WHEREAS, Band Director Wayne Cameron and his 75-member band will travel South of the border, April 22, at the invitation of the Mexican Tourist Bureau as one of just 50 bands selected for participation on the basis of past achievements; and

WHEREAS, the Marching Crusaders' numerous honors include Superior ratings in the Alabama Band Masters State Competition, West Alabama Marching Festival and the Six Flags Festival in Atlanta, Georgia; and

WHEREAS, it is further to be noted that the Marching Crusaders from Tuscaloosa will be our State's only participant in the Festival and, as such, Alabama's musical ambassadors to Mexico; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Marching Crusaders of Tuscaloosa's West End Christian High School and express our deep pride in their selection to represent the State of Alabama in Mexico City.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Band Director Wayne Cameron, on behalf of his Marching Crusaders, with a copy also provided for appropriate school display.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-257 H.J.R. 241—Rep. Reed

HOUSE JOINT RESOLUTION

CONGRATULATING THE TUSKEGEE INSTITUTE TIGERETTES, RUNNERS-UP TO THE NCAA-II WOMEN'S BASKETBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Tuskegee Institute's Women's Basketball Team on its national ranking in NCAA-II competition; and

WHEREAS, the team, which qualified for the finals by defeating Springfield College in the Division II playoffs, then defeated second-ranked Oakland University 88-82; the Tigerette's loss in the title match was at the hands of California Poly-Pomona, the number one ranked team in the nation; and

WHEREAS, it is to be noted that the Tigerettes of Tuskegee Institute were themselves ranked number one for some six weeks during the regular season—a big year for the lady cagers and their Coach, Tiny Laster, who is the winningest coach in Division II women's basketball with 206 victories; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate with pride Tuskegee Institute's Tigerettes, ranked Number Two in the NCAA-Division II Women's Basketball finals.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Coach Laster and the team and that a copy also be sent to Tuskegee Institute for appropriate display.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-258 H.J.R. 256—Reps. Cosby, Bennett, Brakefield, Grouby, Turner, Wyatt, Boles, Pegues, McCorquodale, Manley, Smith (J), Edwards, Minus

HOUSE JOINT RESOLUTION

COMMENDING THE SELMA-DALLAS COUNTY CHAMBER OF COMMERCE AND MRS. CAROLYN HUTCHESON FOR THE HOSPITALITY SHOWN TO THE JOINT INTERIM COMMITTEE STUDYING THE CAHABA STATE CAPITOL SITE.

WHEREAS, it is with a truly warm and personal interest that the Legislature of Alabama notes the kind hospitality of the Selma-Dallas County Chamber of Commerce and of Mrs. Carolyn Hutcheson shown to the members of the joint interim committee studying

the Cahaba State Capitol Site; and

WHEREAS, House Joint Resolution Number 405 of the 1981 Regular Session created the interim committee to study the Cahaba River and the Old Cahaba State Capitol Site for the purpose of investigating the potential for their use as a recreational, educational and tourist attraction; and

WHEREAS, this interim committee met in Selma, Alabama, on October 29 and 30 to hold public hearings in order to establish evidence and findings for the potential use of the River and the Old Site; and

WHEREAS, the Selma-Dallas County Chamber of Commerce and Mrs. Carolyn Hutcheson who is the vice-president of the Tourism Committee of the Chamber of Commerce acted as the hosts and the hostess of the event; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge and sincerely appreciate the cordial receptiveness and kind hospitality shown to the members of the legislative committee shown by the Selma-Dallas County Chamber of Commerce and by Mrs. Carolyn Hutcheson.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Selma-Dallas County Chamber of Commerce and to Mrs. Carolyn Hutcheson, as a token of our friendship and high esteem.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-259 H.J.R. 257—Rep. Mitchell

HOUSE JOINT RESOLUTION

COMMENDING GEORGE HATAWAY, JR., TUSCALOOSA, ALABAMA, ON HIS RETIREMENT.

WHEREAS, in admiration and esteem, the Legislature of Alabama recognizes the extraordinary contributions to education made by George Hataway, Jr., Tuscaloosa, Alabama; and

WHEREAS, George Hataway, Jr., born May 2, 1929, at Kinston, Coffee County, Alabama, will retire from his brilliant career in public education at the end of the current school term; and

WHEREAS, George Hataway, Jr., is to be most highly commended on this outstanding service to education which has spanned some twenty-seven years, twenty-one of which have been spent as

Principal at Tuscaloosa County High School; and

WHEREAS, this professional educator, George Hataway, Jr., began his profession at Tuscaloosa County High School as a science teacher in the 1956-57 school year, and subsequently he was Coach and Assistant Principal before being designated Principal at Gorgas High School and later at Crestmont Elementary School; and

WHEREAS, on July 1, 1961, George Hataway, Jr., was recognized for his dedication and deep commitment to education by his appointment as Principal of Tuscaloosa County High School, at the youngest age of any principal at a 4-A size school in this state; and

WHEREAS, a deep and special bond has been forged between George Hataway, Jr., and the parents, students and educators whose lives he has touched throughout his twenty-seven years of giving his time, energies and extraordinary educational talents for the betterment of his fellow man; and

WHEREAS, George Hataway, Jr., has served as President of Alabama Association of Secondary School Principals, a member of all local educational associations, Alabama Education Association, National Education Association, Alabama Council for School Administration and National Association of Secondary School Principals, and formerly was a member of Kappa Delta Pi and Phi Delta Kappa; and

WHEREAS, George Hataway, Jr., received his B.S. Degree in Science from Troy State University in 1951; served in the United States Air Force at the School of Aviation Medicine from 1951 until 1955; and in 1956 he received his Master's Degree from the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do wish to honor Mr. George Hataway, Jr., on the occasion of his well-deserved retirement and commend him most highly for his tireless dedication to the highest principles in education and his immeasurable contributions in the field of secondary education at the apex of the most dramatic era in his field.

BE IT FURTHER RESOLVED, That George M. Hataway, Jr., receive a copy of this resolution as a token of our esteem, appreciation and best wishes for a long and rewarding retirement.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-260 H.J.R. 266—Rep. Cosby

HOUSE JOINT RESOLUTION

REQUESTING THE ALABAMA LAW INSTITUTE AND THE LEGISLATIVE COUNCIL TO CONDUCT AN ORIENTATION IN TUSCALOOSA AND MONTGOMERY FOR LEGISLATORS ELECTED IN THE 1982 GENERAL ELECTION.

WHEREAS, it is essential that all Alabama Legislators be well informed on the legislative process and the functions of the executive branch of state government; and

WHEREAS, the Alabama Law Institute and the Legislative Council planned and conducted an orientation for newly elected Legislators in 1970, 1974 and 1978; and

WHEREAS, these orientations afforded the Legislators an opportunity to become familiar with the legislative process; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Law Institute and the Legislative Council be requested to plan, organize, and conduct an orientation at the Law Center in Tuscaloosa as soon after the general elections as practicable to familiarize newly elected legislators with the Alabama legislative process.

BE IT FURTHER RESOLVED, That the Alabama Law Institute and the Legislative Council organize a second orientation in Montgomery with various heads of state agencies to acquaint newly elected legislators with important aspects of the executive branch of state government.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-261 H.J.R. 286—Reps. Mitchell, Manley

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DR. ERIC RODGERS, NOTED PHYSICIST AND FORMER DEAN OF THE GRADUATE SCHOOL, UNIVERSITY OF ALABAMA.

WHEREAS, the Alabama Legislature notes with deep sadness and regret the death of Dr. Eric Rodgers of Tuscaloosa on October 17, 1981, the 77th anniversary of his birth; and

WHEREAS, a native of Goshen in Pike County, Alabama, Dr. Rodgers received a diploma from Troy Normal School, both B.S. and

M.A. degrees from the University of Alabama and his Ph.D. degree from the University of Chicago; and

WHEREAS, in 1932, Dr. Rodgers joined the faculty of the University of Alabama as an instructor of physics to begin an association which was to last almost 40 years until his retirement in 1971 as Dean of the University's Graduate School; he also served during university tenure as professor of physics and as head of the Department of Physics; and

WHEREAS, first and foremost a dedicated educator, Dr. Rodgers also was a noted physicist who led his department to extraordinary advancement at the graduate level and to recognition as a highly respected research center in the Southeast; and

WHEREAS, in addition to his teaching and research responsibilities, Dr. Rodgers also published in national journals a number of articles in the fields of x-rays, statistics and theoretical physics and conducted successful research in nuclear physics as well; and

WHEREAS, Dr. Rodgers was affiliated with numerous professional organizations, both actively and in leadership and through honorary membership designation, and he was the recipient of such honors, among others, as the Algernon Sidney Sullivan Award and the Distinguished Service Citation of the American Association of Physics Teachers; and

WHEREAS, he also had served his community as chairman of the Tuscaloosa County Park and Recreation Authority and through other civic and charitable involvements; and

WHEREAS, the death of Dr. Rodgers has left a deep void both in the academic and research communities and in the lives of his peers and his former students throughout the United States; he is sorely missed by all those whose lives he touched and whom he befriended as a man who never knew a stranger; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Eric Rodgers of Tuscaloosa and direct that a copy of this resolution be provided for his family that they all may know we truly share the sorrow of their great loss.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-262 H.J.R. 293—Rep. Holmes

HOUSE JOINT RESOLUTION

HONORING DR. ROBERT L. RANDOLPH UPON HIS INAUGURATION AS PRESIDENT OF ALABAMA STATE UNIVERSITY.

WHEREAS, the Legislature of Alabama is pleased to note the April 17, 1982, inauguration of Dr. Robert L. Randolph as the seventh President of Alabama State University; and

WHEREAS, a man of exceptional calibre, Dr. Randolph is eminently qualified for this position; he is a graduate of DePauw University with an A.B. Degree in Economics and holds a Master's Degree in Industrial Management and a Ph.D. in Economics, both awarded by the University of Illinois; and

WHEREAS, Dr. Randolph has held a number of positions on both managerial and administrative levels and has served as a Consulting Economist with such corporations as the Ford Motor Company and the Hilton Hotel Corporation, among others; and

WHEREAS, en academe, Dr. Randolph's offices include Executive Vice President and Professor of Economics at Chicago University, President of Westfield State College and Vice Chairman of Academic Affairs for the Massachusetts State College System; and

WHEREAS, Dr. Randolph, a member of Kappa Alpha Psi Fraternity, also is affiliated with numerous professional organizations which he has served in various capacities of leadership and he has further been professionally involved in such activities as the directorship of the original Job Corps Staff Training and the training program for all Youth Opportunity Counselors, both at the request of the United States Government; and

WHEREAS, Dr. Randolph is a United States Naval veteran who served as an officer on active duty both during World War II and the Korean Conflict; he also is an author who has been voluminously published and his awards and honors include such distinctions as the Carnegie Foundation, Republic Steel and Bailey designations as a Fellow and the Danforth Foundation Award as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly welcome and congratulate Dr. Robert L. Randolph as President of Alabama State University and direct that he be presented with a copy of this resolution in declaration of our sincere warm praise and utmost regard.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-263 H.J.R. 294—Reps. Johnson (Roy), Barton, Owens, Howard

HOUSE JOINT RESOLUTION

NAMING A SOFTBALL FIELD IN BOWERS PARK, TUSCALOOSA, ALABAMA, THE "JERRY EUGENE JONES SOFTBALL FIELD."

WHEREAS, Mr. Jerry Eugene Jones was a native and lifelong resident of Tuscaloosa County, Alabama, and at the time of his death on March 5, 1981, was a resident of Cottondale; and

WHEREAS, he was a United States Air Force veteran, a Mason and Shriner, and also was a member of the Elks and the Jaycees; and

WHEREAS, Mr. Jones, who was the owner of American Fence Company, had himself played softball in Tuscaloosa and later sponsored three teams in that city; and

WHEREAS, it is entirely fitting that Mr. Jones be appropriately honored for his longtime civic involvement and, most particularly, for his active support of the softball program in Tuscaloosa; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate a softball field in Bowers Park, Tuscaloosa, Alabama, the "Jerry Eugene Jones Softball Field."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating such field as the "Jerry Eugene Jones Softball Field."

RESOLVED FURTHER, That a copy of this resolution be provided for Mr. Jones' wife and their two daughters, as a memento of this honorary designation of the Alabama Legislature.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-264 H.J.R. 331—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, April 8, 1982, we adjourn to meet again on Tuesday,

April 13, 1982.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-265 H. 408—Reps. Cheatwood, Trammell, Boles

AN ACT

Relating to Jefferson County; to provide certain health benefits to members of the General Retirement System for Employees of Jefferson County who have retired on a superannuation or disability until said member reaches eligibility for Medicare and/or Medicaid, and to provide for the funding of said benefits.

Be It Enacted by the Legislature of Alabama:

Section 1. Members of the General Retirement System for Employees of Jefferson County who retired on superannuation or disability shall, along with said members' dependents, may if they properly apply therefor, receive the same hospital, surgical and medical benefits as are received by county employees, until said members reach the age of eligibility for Medicare and/or Medicaid.

Section 2. The retirement system shall advance the necessary funds to pay the premiums for the benefits provided for in Section 1. The retirement system shall be reimbursed by the retired member for the entire amount of the premium advanced by the retirement system for the benefits chosen by the retired member for himself and his dependents.

Section 3. It is the intent of this Act that retired persons properly applying for and becoming entitled to the benefits provided in Section 1 of this Act, shall be insured under the same medical insurance plan under which present county employees are insured. The county commission is authorized to promulgate all necessary rules and regulations to administer this Act.

Section 4. At any time a written opinion from a competent actuary selected by the county commission is made indicating that the funds and assets of the system are not actuarially sound, then the benefits of this Act shall cease to be in effect until such time an actuary appointed by the county commission gives a written opinion that the system is financially sound. Said actuary services shall be paid for by the General Retirement System for Employees of Jefferson County.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-266 H. 580—Rep. Waggoner

AN ACT

To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby provided that Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended, is further amended to provide as follows:

"Section 8. Investment of Funds: The funds of the system not currently needed shall be invested in bonds, notes, warrants, and other evidences of indebtedness which are direct obligations of the United States of America or in securities issued by agencies of the government of the United States of America, or in general obligation bonds of the State of Alabama, or any county or incorporated city or town of the State of Alabama, or in the shares or certificates or savings accounts of savings and loan associations, which associations qualify for insurance by and are insured in the Federal Savings & Loan Insurance Corporation, or in bonds or debentures, preferred stocks or common stocks of corporations organized under the laws of the United States or any state thereof, or in certificates of deposits or bonds of banks organized under Federal laws or under the laws of the State of Alabama; provided, however, that not more than the maximum amount insured by the Federal Savings and Loan Insurance Corporation shall be invested in any one savings and loan association; and provided further that no funds shall be invested in bonds of corporations unless the issue of such bonds is rated 'A' or better by Moody's Investors Service, Inc. or some other nationally recognized bond rating service; and provided, that no funds shall be invested in preferred stock or common stocks of such corporations unless such preferred or common stocks are listed upon an Exchange subject to

the jurisdiction of the Securities and Exchange Commission; and, provided, further, that the Pension Board shall adopt rules and regulations prescribing what percentages of the total assets of the system may be invested in preferred stocks and what percentage of the total assets of the system may be invested in common stocks.

The word 'assets' when used in this section shall mean the assets of the system as shown by the auditor's report which was published with the Pension Board's latest annual report.

"The Pension Board shall have the power to authorize, by written resolution, adopted by the said Board at a regular or special meeting of the Board, a trustee, agent, or fiscal officer of the said Board, to invest funds of the pension system for the said Pension Board, in the manner provided for in said resolution and subject to such limitation as to the amount of such investments, and subject to such other limitation as is specified in said resolution. The authority the Pension Board confers on any trustee, agent or fiscal officer of the Board under this Act shall be subject to all limitations applying to the Board's power to invest assets of the system."

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-267 H. 718—Rep. Blake

AN ACT

To alter or rearrange the boundary lines of the Town of Ashville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Ashville, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said town, all territory now within such corporate limits, and also other territory within St. Clair County, Alabama, described as follows:

East half of southwest quarter of northwest quarter, Section 18, Township 14 South, Range 4 East, St. Clair County, Alabama.

All of the above described lands are situated in St. Clair County, Alabama, and being contiguous and adjacent to the present boundary lines of the said Town of Ashville, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-268 H. 733—Rep. Edwards

AN ACT

To provide for a certain increase in court costs in the Wilcox County division of the Fourth Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Wilcox County.

Be It Enacted by the Legislature of Alabama:

Section 1. On the first day of the first month next following the date any state constitutional amendment relating to the regulation of court costs and charges in Wilcox County is proclaimed ratified by the Governor, all costs and charges of court in the Wilcox County division of the Fourth Judicial Circuit of this state shall be increased by five dollars ($5.00) with the proceeds from such increase to be paid into the general fund of Wilcox County to be used exclusively for paying the salaries of deputies sheriff in Wilcox County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-269 H. 736—Rep. Dial

AN ACT

To further provide for the administration of absentee voting in Clay County, except during municipal elections.

Be It Enacted by the Legislature of Alabama:

Section 1. After the passage and approval by the Governor of this Act, the Clay County Board of Registrars shall administer all phases of absentee voting exclusively, except during municipal elections. Any act, function or duty relating to absentee voting required to be done by the Register of the Circuit Court of Clay County, the Circuit Clerk of said county, or any one acting in their stead, shall thenceforth be done or performed by the Board of Registrars.

Section 2. The compensation now paid to the Clerk of the Circuit Court from the General Funds of Clay County shall hereafter be paid to the Board of Registrars.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1982

Time: 4:55 P.M.

Act No. 82-270 H.J.R. 166—Rep. Gafford

HOUSE JOINT RESOLUTION

RECALLING ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTIONAL AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, FROM THE SECRETARY OF STATE AND RESCINDING THE ELECTION DATE THEREON AS DESIGNATED BY ACT 81-1190, H.J.R. 75, THIRD SPECIAL SESSION 1981.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Secretary of State return to it forthwith for further consideration Act No. 81-889, S. 32 of the First Special Session 1981.

BE IT RESOLVED FURTHER, That the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H.J.R. 75, Third Special Session 1981, is hereby rescinded.

RESOLVED FURTHER, That copies of this resolution shall be sent to the Secretary of State, to the Clerk of the House and to the Secretary of the Senate.

BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution, relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him.

Passed the House March 23, 1982

Passed the Senate April 8, 1982

Act No. 82-271 S. 356—Mr. Vacca

AN ACT

To amend Act No. 81-654 of the 1981 Regular Session which act relates to allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 81-654 of the 1981 Regular Session, is hereby amended to read as follows:

"Section 1. Section 5 of Act No. 738, S. 533 of the 1980 Regular Session is hereby amended to read as follows:

"Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1982

Time: 10:00 A.M.

Act No. 82-272 S. 11—Mr. Teague

AN ACT

To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

Be It Enacted by the Legislature of Alabama:

Section 1. Every railroad conductor and engineer in this state shall carry on his person while on duty in train service a conductor/

engineer's qualification permit. Every company, association, person or other entity which employs or permits railroad conductors and engineers to engage in train service shall issue to such person a qualification permit. Such permit shall include the conductor or engineer's name, address, physical description, date of birth and a certification that such person is qualified as a conductor or engineer. Notwithstanding any provision of the law to the contrary, whenever a conductor or engineer of a train is requested to show proof of his identity under the provisions of this title, in connection with operations of such train, to any law enforcement officer, such conductor or engineer shall not be required to display his Alabama motor vehicle drivers license but shall display his conductor/engineer's qualification permit instead.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-273 S. 140—Messrs. White and Holmes

AN ACT

To further amend Section 6-5-333 of the Code of Alabama, 1975, as amended, relating to exemption from liability for dentists constituting certain committees, so as to extend such exemption to chiropractors and physicians.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-5-333 of the Code of Alabama, 1975, as amended, is hereby amended further to read as follows:

"6-5-333.

(a) Any dentist, chiropractor, or physician licensed to practice medicine in Alabama who serves on a peer review or a utilization and quality control committee or professional standards review committee or a similar committee or a committee of similar purpose or any dentist, physician, chiropractor or individual who serves as a consultant or employee to one of said committees established either by a dental society or dental association or by a chiropractic society or chiropractic association or by a state medical association or county medical society to review any aspect of dental care, chiropractic care or medical care at the request of a government agency, a patient, dentist, provider of dental benefits, chiropractor, provider of chiro-

practic benefits, physician licensed to practice medicine in Alabama, or third party insurer shall not be liable to any person for damages as a result of any action taken or recommendation made by him within the scope of his function as a member of or employee or consultant to such review committee if such action was taken or recommendation made without malice and in a reasonable belief that such action or recommendation is warranted by the facts made known to him. No dental association or dental society, chiropractic association or chiropractic society or state medical association or county medical society shall be liable for damages for any action taken or recommendation made by a review committee or any member of said committee or consultants or employees to said committee.

(b) Within the words and meaning of this section, a 'committee' shall mean members of a committee of dentists, chiropractors, or physicians licensed to practice medicine in Alabama formed or appointed to evaluate the diagnosis or the performance of services of other dentists or dental auxiliary personnel, chiropractors or chiropractic auxiliary personnel or physicians licensed to practice medicine in Alabama or physician auxiliary personnel when such evaluation is requested by a government agency, by the fiscal intermediary responsible for the administration of group health care programs, by the recipient of dental, chiropractic or medical services, or by a dentist, chiropractor or physician licensed to practice medicine in Alabama.

(c) The provider or recipient of dental services evaluated by a review committee described in subsections (a) and (b) of this section shall have the right to appeal the decisions of said review committee to the Alabama Dental Association. No provider of dental care services or recipient of same or fiscal intermediary or government agency shall be bound by a ruling of a review committee established pursuant to this section on a controversy, dispute or question unless he agrees in advance either specifically or generally to be bound by the ruling.

(d) All information, interviews, reports, statements or memoranda furnished to any committee as defined in this section, and any findings, conclusions or recommendations resulting from the proceedings of such committee are declared to be privileged. The records and proceedings of any such committees shall be confidential and shall be used by such committee and the members thereof only in the exercise of the proper functions of the committee and shall not be public records nor be available for court subpoena or for discovery proceedings. Nothing contained herein shall apply to records made in the regular course of business by a hospital, dentist, dental auxiliary personnel, chiropractor, chiropractic auxiliary personnel, physician, physician auxiliary personnel or other provider of health care and information, documents or records otherwise available from ori-

ginal sources are not to be construed as immune from discovery or use in any civil proceedings merely because they were presented during proceedings of such committee."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-274 S. 170—Mr. Little

AN ACT

To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-21-60, Code of Alabama 1975, is hereby amended to read as follows;

"§ 36-21-60.

"When used in this article, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) ASSOCIATION. The Alabama peace officers' association as now or hereafter constituted.

"(2) BOARD. The board of commissioners of the fund and any successors thereto.

"(3) EXECUTIVE DIRECTOR. The executive director of the board.

"(4) FUND. The Alabama peace officers' annuity and benefit fund created in section 36-21-66.

"(5) MEMBER. Any peace officer who is a member of the fund and who is in good standing by virtue of having paid all sums required by this article to be paid by him.

"(6) MEMBERSHIP SERVICE. The period of employment of a member as a peace officer from the date he becomes a member.

"(7) MONTH. A period of 30 day.

"(8) YEAR. A period of 365 days; except, that the last year of employment as a peace officer, when over six months of membership service, shall constitute a year toward service retirement.

"(9) ORDER. The fraternal order of police.

"(10) PEACE OFFICER. A person duly sworn as a peace officer of the state of Alabama possessing powers of arrest and employed by the state, any political subdivision thereof or any municipal corporation therein who is required by the terms of his employment, whether such employment exists by virtue of election or appointment, to give his full time to the preservation of public order and the protection of life or property or the detection of crime in the state. Such term shall include enforcement officers for conservation laws, full-time coroners, and any pardon, parole or probation officer, but shall not include any district attorney, assistant district attorney, assistant attorney general, commissioner, deputy commissioner or any municipal inspector, county inspector or state inspector.

"(11) PRIOR SERVICE. The period of employment of a member as a peace officer from the time of his initial employment as such peace officer to September 12, 1969.

"(12) QUALIFIED SERVICE. The prior service plus membership service of a member.

"(13) STATE. The state of Alabama."

Section 2. Section 36-21-68, Code of Alabama 1975, is hereby amended to read as follows:

"§ 36-21-68.

"Nothing in this article shall be construed as requiring that any member of the fund become a member of the association or the order, or that any member of the association or the order become a member of the fund.

"Each peace officer who becomes a member shall pay to the fund a regular fee of $10.00 per calendar month, to be paid on or before the tenth calendar day of each month so long as he is a member or until he becomes entitled to benefits hereunder. A member who has 30 years of qualified service in the fund and having met all other requirements of the law and thereby having earned maximum benefits provided will no longer be required to make monthly contributions for his membership and will retain all of the rights and privileges as provided any other member.

"If an applicant desires credit for prior years' service, then at the time of application, the member shall pay an amount equal to $10.00 multiplied by the number of months intervening between October

1, 1969 (the date the fund was established) and the date of the member's application. These months from October 1969 to the date of the application will not be counted as membership service toward total years service on retirement. Prior service will count, and retirement benefits will be based on prior service and membership service from the date of the application. Any peace officer must contribute to the fund at the rate of $10.00 per month for a period of at least three years from date of application for membership before retirement benefits can be paid. If he does not desire to receive credit for prior service, he may enroll as a new member.

"If a peace officer was not employed as such on October 1, 1969, he may, at the time of the initial application, pay any amount equal to $10.00 multiplied by the number of months intervening between date of employment and the time at which his application is made if he desires to receive credit for these months as membership service. If he does not desire to receive credit for these months as membership service, he may enroll as a new member without making this initial payment.

"The board shall furnish to any peace officer requesting the same an application for membership in the fund.

"Notwithstanding any other provision of this section, any applicant who is accepted into membership in the fund by virtue of a change of the law or administrative decisions by the fund's board of commissioners, who was not eligible for membership prior to such change in the law or administrative decision, will be accepted into the fund only as a new member and in no event will be given credit for any prior service.

"If any member shall not pay the monthly fee for 60 days after its due date, the board shall give him notice of termination of his membership in the fund and of his right to a refund and unless he makes application for a refund pursuant to section 36-21-74 within 60 days after the mailing of such notice, all amounts heretofore paid by him to the fund shall be returned to him in accordance with section 36-21-74. Any member so terminated who later applies for membership in the fund shall lose credit for all of his qualified service up to the time of such termination and, upon approval of his new application, will become a new member in the fund."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-275 S. 197—Mr. Mitchem

AN ACT

To amend Section 23-1-5, Code of Alabama 1975, relating to the reimbursement by the state of relocation costs of certain utility companies having a gross income of $10,000,000 or less for the calendar year preceding the relocation, and provided that the relocation is necessitated by highway construction, so as to provide further for the dollar amounts of the gross income of such utility company owners or operators.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 23-1-5, Code of Alabama 1975, is hereby amended to read as follows:

"Section 23-1-5. (a) Whenever the state highway director shall determine and order that the relocation of any utility facility is necessitated by the construction of any project on the national system of interstate and defense highways, including the extensions thereof within urban areas, the utility owning or operating such utility facility shall relocate the same in accordance with the order of the state highway director; provided, however, that if the cost of such utility facility relocation is eligible and approved for reimbursement by the federal government, the cost of the relocation of such utility facility shall be paid by the state as a part of the cost of the construction of such project out of the funds then or thereafter available for such highway construction after the utility has furnished the state highway director with all papers, records or other supporting documents required by said director. After the final federal bureau of public roads audit, the utility shall repay to the state the difference, if any, between the total amount paid by the state to the utility for said relocation and the total amount collected by the state from federal participation on such utility relocation, plus the state's matching share of said federal participation.

"(b) Whenever the state highway director shall determine and order that the relocation of any utility facility is necessitated by the construction of any highway, road or street, other than the highways that are a part of the national system of interstate and defense highways referred to in subsection (a) of this section, the utility owning or operating such facility shall relocate the same in accordance with the order of the state highway director at its own expense; provided, however, that if the facilities so to be relocated are owned by any utility which had a gross income of $50,000,000.00 or less for the calendar year immediately preceding said relocation or in the case of utilities which may be hereafter organized and created which have a gross income of $50,000,000.00 or less in their first complete year of operation or in the calendar year immediately preceding said reloca-

tion, the cost of such relocation of such utility facility shall be paid by the state as a part of the cost of the construction of such project out of the funds then or thereafter available for such highway construction after the utility has furnished the state highway director with all papers, records or other supporting documents required by said director. After the final federal bureau of public roads audit, the utility shall repay to the state the difference, if any, between the total amount paid by the state to the utility for said relocation and the total amount collected by the state from federal participation on such utility relocation, plus the state's matching share of said federal participation.

"(c) The state highway director is authorized to enter into contracts or agreements and to conform any existing contracts or agreements with utilities in order to effectuate the purposes of this section.

"(d) The word 'utility' shall include publicly, privately and cooperatively owned utilities. The words 'cost of relocation' shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility. The words 'national system of interstate and defense highways' mean the national system of interstate and defense highways or interstate system described in subsection (d) of section 103 of Title 23, United States Code."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-276 S. 199—Mr. Goodwin

AN ACT

To amend Section 36-22-62 of the Code of Alabama, 1975, to provide for cost of living increases in the compensation of Supernumerary Sheriffs of the several counties within this State.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-22-62 of the Code of Alabama, 1975, is hereby amended to read as follows:

"§ 36-22-62. Amount of benefits.

(a) Those persons eligible under either subdivisions (1) or (2) of section 36-22-60, who have 16 years of creditable service as a law enforcement officer, 12 of which were served as sheriff, shall be entitled to receive an amount equal to 50 percent of the monthly salary paid such person at the time of the completion of his service in office, and shall be entitled to receive an additional amount equal to two percent of such person's said monthly salary for each additional year of service up to a maximum of 65 percent of such monthly salary, but in no event shall any person receive payments pursuant to both the supernumerary and disability supernumerary provisions simultaneously. All such payments shall be paid from the general fund of the county in which said eligible person is serving upon his election to become a supernumerary sheriff or to become a supernumerary sheriff due to a disability.

(b) Those persons eligible under either subdivisions (1) or (2) of section 36-22-60, that may elect to become a Supernumerary Sheriff shall be entitled to receive a cost of living increase as the renumeration of the office of Sheriff increases from which the Supernumerary Sheriff elected to vacate. Said cost of living increase shall be equal to the percentage allowed said Supernumerary Sheriff of the present Sheriffs renumeration."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-277 S. 237—Mr. Goodwin

AN ACT

To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the General Fund and to specifically repeal certain conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known and cited as the "Policemans Survivor Tuition Act."

Section 2. Upon the effective date of this Act, when a sworn, full time law enforcement officer or fire fighter employed by the state, or by any county, or municipality of the state, is killed in line of duty, any child, natural or adopted, of said officer or fire fighter who was under 21 years of age at the time of the death of said officer or fire fighter shall be entitled to receive free tuition for a four-year undergraduate course of study at any state college, state technical college, junior college, or university, in the state of Alabama, and all costs of textbooks officially prescribed for the classes in said course of study shall be paid.

Section 3. The State Department of Education shall provide the necessary forms and applications for the implementation of this Act, and shall supervise said implementation by the administration of the college, junior college, or university concerned.

Section 4. There is hereby created a Tuition Eligibility Board, who shall determine the eligibility of any persons applying under the provisions of this Act, and shall certify such eligible persons to the Department of Education to receive free tuition and books under the provisions of Section 1 of this Act. The Tuition Eligibility Board shall consist of two members appointed by the Governor, one member appointed by the executive board of the Alabama Education Association, one member appointed by the Board of Directors of the Alabama State Policemen's Association, Inc., one member appointed by the professional firefighters association of Alabama, and one member appointed by the Firemen's Association, one member appointed by the State Lodge of the Fraternal Order of Police, and one member appointed by the Board of Directors of the Alabama Peace Officers Association. Each member shall serve four years from the date of his appointment and have the right to succeed himself. The Board shall elect a chairman from among themselves, who shall receive applications and coordinate implementation of this Act with the State Department of Education. Said chairman shall call meetings of the Board at his discretion to determine eligibility of applicants, and no member of the Board shall receive any compensation or reimbursement of expenses for duties performed in accordance with the provisions of this Act. A majority of the members appointed shall constitute a quorum.

Section 5. There is hereby appropriated annually from the General Fund the amount sufficient to carry out the provisions of this Act.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed, and specifically Act No. 81-802, S. 342, 1981 Regular Session (Acts 1981, p. 1410), now appearing as §§ 36-21-90 through 36-21-94, Code of Alabama 1975, is hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-278 S. 265—Mr. deGraffenried

AN ACT

To amend Section 9-11-252, Code of Alabama 1975, relating to the penalties for the violation of sections 9-11-250 (taking deer from public waters) or 9-11-251 (taking deer at night), so as to increase and amend penalties for the violation thereof.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Section 9-11-252, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§ 9-11-252.

A violation of sections 9-11-250 or 9-11-251 shall constitute a misdemeanor and, upon conviction, the person, firm or corporation violating same shall be punished for the first offense by a fine of not less than $500.00, by the revocation of all hunting license privileges for a period of one (1) year from the date of conviction, and shall also be imprisoned in the county jail for a period of not less than three (3) nor more than ten (10) days. Any person, firm or corporation convicted the second time of violating sections 9-11-250 or 9-11-251 shall be guilty of a misdemeanor and shall be punished by a fine of not less than $1,000.00, by the revocation of all hunting license privileges for a period of three (3) years from the date of conviction, and shall also be imprisoned in the county jail for a period of not less than ten (10) nor more than thirty (30) days. Any person, firm or corporation convicted of violating sections 9-11-250 or 9-11-251 the third or subsequent times shall be guilty of a misdemeanor and shall be punished by a fine of not less than $1,000.00, by the revocation of all hunting license privileges for a period of five (5) years from the date of conviction, and shall also be imprisoned in the county jail for a period of not less than thirty (30) nor more than sixty (60) days.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-279 S. 272—Mr. Parsons

AN ACT

Relating to Jefferson County: An Act fixing supplemental salaries or compensation to be paid certain retired district judges in the 10th Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Any retired district judge in the 10th Judicial Circuit shall commence to receive as additional compensation payable from the Treasury of the County, a sum equal to 1½% of the annual compensation paid said judge by the State of Alabama in his final year of service as judge for each year served as a full time county and or district judge up to a maximum of 25%. The salaries or compensation provided for herein is supplementary to the salaries or compensation paid such judges by the state and shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds. Payment by Jefferson County under the provisions of this Act shall be in lieu of and will terminate the payment of any other compensation or pension benefit payable to such retired district judge by Jefferson County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-280 S. 406—Mr. White

AN ACT

To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby provided that Section 8 of Act No.

497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended, is further amended to provide as follows:

"Section 8. Investment of Funds: The funds of the system not currently needed shall be invested in bonds, notes, warrants, and other evidences of indebtedness which are direct obligations of the United States of America or in securities issued by agencies of the government of the United States of America, or in general obligation bonds of the State of Alabama, or any county or incorporated city or town of the State of Alabama, or in the shares or certificates or savings accounts of savings and loan associations, which associations qualify for insurance by and are insured in the Federal Savings & Loan Insurance Corporation, or in bonds or debentures, preferred stocks or common stocks of corporations organized under the laws of the United States or any state thereof, or in certificates of deposits or bonds of banks organized under Federal laws or under the laws of the State of Alabama; provided, however, that not more than the maximum amount insured by the Federal Savings and Loan Insurance Corporation shall be invested in any one savings and loan association; and provided further that no funds shall be invested in bonds of corporations unless the issue of such bonds is rated 'A' or better by Moody's Investors Service, Inc. or some other nationally recognized bond rating service; and provided, that no funds shall be invested in preferred stock or common stocks of such corporations unless such preferred or common stocks are listed upon an Exchange subject to the jurisdiction of the Securities and Exchange Commission; and, provided, further, that the Pension Board shall adopt rules and regulations prescribing what percentages of the total assets of the system may be invested in preferred stocks and what percentage of the total assets of the system may be invested in common stocks.

The word 'assets' when used in this section shall mean the assets of the system as shown by the auditor's report which was published with the Pension Board's latest annual report.

"The Pension Board shall have the power to authorize, by written resolution, adopted by the said Board at a regular or special meeting of the Board, a trustee, agent, or fiscal officer of the said Board, to invest funds of the pension system for the said Pension Board, in the manner provided for in said resolution and subject to such limitation as to the amount of such investments, and subject to such other limitation as is specified in said resolution. The authority the Pension Board confers on any trustee, agent or fiscal officer of the Board under this Act shall be subject to all limitations applying to the Board's power to invest assets of the system".

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-281 S.J.R. 177—Mr. Robertson

SENATE JOINT RESOLUTION

COMMENDING LIVINGSTON STATE UNIVERSITY'S BASKETBALL TEAM, GULF SOUTH CONFERENCE TOURNAMENT CHAMPIONS.

WHEREAS, the Legislature of Alabama expresses utmost pride in Livingston State University as Gulf South Conference Tournament Champions and as participants in the NCAA Division II South Region Playoffs; and

WHEREAS, it is to be noted that with a 3-5 record at Christmas break, Livingston State University finished at 20-10 overall and won the Gulf South Conference Regular Season Championship with a 10-2 record and both losses by just one point; and

WHEREAS, in participation in Division II competition, the Livingston State University Cagers defeated Biscayne College 75-72 in the first round of play before losing to the host team and defending National Champions, Florida Southern, in triple overtime; and

WHEREAS, Head Coach Ed Murphy, who led his team to such an outstanding season, was named Conference "Coach of the Year" for the second consecutive year; and

WHEREAS, Junior guard Will Cotchery was named to the All-Gulf South Conference Team, All-Region Tournament Team, All-Region Team and was Conference "Player of the Year"; Senior forward Marvin Wesley and Senior guard Randy Terry also were named All-Gulf South Conference with forward Wesley making All-Region Tournament as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Livingston State University's Championship Basketball Team and direct that a copy of this resolution be sent to Coach Murphy with a copy also provided for appropriate display at Livingston State University.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-282 S.J.R. 180—Messrs. Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING THE UAB BASKETBALL TEAM

WHEREAS the UAB, in 1980-81, in its third year of basketball competition, had a 23-9 record and played in the final sixteen of the NCAA Mideast Regional Tournament; and

WHEREAS in 1981-82, the fourth year of its basketball competition, UAB compiled a 25-6 record and played in the NCAA final eight of the Mideast Regional tournament; and

WHEREAS, to reach the illustrious eight, UAB defeated Indiana and third-ranked University of Virginia; and

WHEREAS UAB is only one of five programs in the United States that have reached the Regional level competition for the last two consecutive years in the NCAA Tournament; and

WHEREAS, UAB's accomplishment in reaching the final eight of the Mideast Regional has never been achieved by any other Division One basketball team in the State of Alabama;

NOW, THEREFORE, BE IT RESOLVED that the Legislature of Alabama, both houses thereof concurring, does heartily compliment seniors Norman Anchrum, Chris Giles, Craig Lane, Jonath Nicholas, Oliver Robinson, and Donnie Speer for their accomplishments; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to them as an expression of the high esteem that the Legislature and the people of Alabama have for their accomplishments, and as an expression of our sincere hope that their future endeavors will be as successful.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-283 S.J.R. 190—Mr. Lemaster

SENATE JOINT RESOLUTION

MEMORIALIZING CONGRESS TO PAY SOCIAL SECURITY BENEFITS EARNED BY STATE PRISONERS INTO THE STATE GENERAL FUND.

WHEREAS, the Alabama penal system is suffering severe economic strain; and

WHEREAS, compliance with Federal court orders have caused great financial hardships upon the state general fund; and

WHEREAS, social security income being paid to state prisoners who have no dependents should be paid to the state to help contribute to the cost of housing and feeding said prisoners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Congressional Delegation and the entire United States Congress is memorialized to enact legislation requiring that all social security income due a state prison inmate shall be paid into the state general fund while the recipient is in prison.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each member of the Alabama Congressional Delegation and the presiding officer of the U. S. Senate and the U. S. House of Representatives so that they may know of our sentiments.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-284 S.J.R. 191—Mr. Weeks

SENATE JOINT RESOLUTION

COMMENDING THE HEALTH OCCUPATION EDUCATION CLASS OF THE TROY-PIKE AREA VOCATIONAL CENTER.

WHEREAS, the Alabama Legislature is pleased to note the nomination of the Health Occupation Education Class at Troy-Pike Area Vocational Center as the most outstanding vocational program in Alabama; and

WHEREAS, under the tutelage of Mrs. Sherry Key, who has been with the Center for some five years, the class is composed of approximately 30 students from three area city and county high schools;

a night class also is held for adult students who may attend the daytime course on a space available basis; and

WHEREAS, the class was selected as Pike County's nominee for the award on the basis of the non-traditional learning atmosphere for students, and for the program's positive impact and effect on the entire community; and

WHEREAS, Mrs. Key's students, in addition to traditional classroom learning experiences, also grow in learning through direct community involvement in situations provided by business and community leaders; and

WHEREAS, these Pike County students go into the community, to hospitals, health care centers, and even other area schools, to teach what they have learned and to experience further growth through involvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Sherry Key and the Health Occupation Education Class at the Troy-Pike Area Vocational Center; we congratulate the class on its nomination as the most outstanding such program in our state and direct that a copy of this resolution be provided for appropriate display at the Center.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-285 S.J.R. 192—Mr. Harrison

SENATE JOINT RESOLUTION

COMMENDING MRS. MARY KIMBRO BUTLER OF ECLECTIC, ALABAMA ON RECENTLY HAVING HER NOVEL "PAPA'S OLD TRUNK" RELEASED BY HER PUBLISHER.

WHEREAS, Mrs. Mary Kimbro Butler of Eclectic, Alabama recently has her novel "Papa's Old Trunk" released by her publisher; and

WHEREAS, "Papa's Old Trunk" captures the experiences of a family growing up during the depression and depicts how all country life contributes to the molding of an individual's character; and

WHEREAS, this book has a comical overture, yet at the same time is filled with philosophy and insight, and

WHEREAS, Mrs. Butler has won several awards for her short stories; and

WHEREAS, she was named best letter writer for 1980 by the editor of the editorial page of the Montgomery Advertiser-Journal; and

WHEREAS, her dedication to writing is paralleled only by her duty to her family, church and community; and

WHEREAS, Mrs. Mary Kimbro Butler is a native Crenshaw Countian; and

WHEREAS, Mrs. Butler has been married to Leon B. Butler for forty-one years and is the mother of three children and four grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Mrs. Mary Kimbro Butler on her latest achievement.

BE IT FURTHER RESOLVED that in addition to Mrs. Butler, copies of this resolution be sent to her children, Mr. Leon Butler of Eclectic and to Mrs. Gail DiGiovanni of Maryland and to Mrs. Vicki Ingalls of Wetumpka.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-286 S.J.R. 228—Messrs. Mitchem and deGraffenried

SENATE JOINT RESOLUTION

HONORING MR. JOHN HANNAH FOR OUTSTANDING ATHLETIC ACCOMPLISHMENT, AND AS AN EXEMPLAR OF CHRISTIAN PRINCIPLE.

WHEREAS, John Allen Hannah of Crossville, Alabama, is a graduate of Albertville High School, an All-State High School football star, a state champion heavyweight wrestler and the recipient of the Wilbur Hutsel Track Award; and

WHEREAS, at the University of Alabama, lettering in football, wrestling and track, John Hannah's honors as a Crimson Tider included Consensus All-American, Kodak All-American Team Captain, College Football Hall of Fame, the Jacob Trophy, the Helm Foundation "Gipper" Award, and a record number of votes for a lineman for Heisman consideration; and

WHEREAS, John Hannah, as a New England Patriot, was the fourth player to be drafted in the first round pro draft of 1973; he has since been selected five times as an All-Pro, was NFL's Offensive

Lineman of the Year for five consecutive years, and is considered by many experts to be the top offensive lineman in the history of pro football; and

WHEREAS, though John Hannah's athletic achievement is a matter of record, his deep involvement in Christian service to others is considerably less well-known, entirely in keeping with his profound humility; and

WHEREAS, he has been a member of the Fellowship of Christian Athletes for a number of years, actively espousing its purpose of serving the cause of Christ in witnessing to youth, and giving such witness through sincere conviction and abiding faith; and

WHEREAS, in further Christian discipleship, John Hannah also established and directed, with the assistance of other Pro Christian Athletes, the John Hannah Pro Christian Football Camp in Albertville; during its four years of operation, the non-profit camp provided hundreds of teenage boys an opportunity to experience the challenge and fun of football and to live and learn in an atmosphere of Christian fellowship and worship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. John Allen Hannah, an Alabamian of outstanding athletic achievement, but primarily a faithful follower of our Lord Jesus Christ.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-287 S.J.R. 229—Messrs. Little and Higginbotham

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ILAH NATION DEAN OF OPELIKA, ALABAMA.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the death of Mrs. Ilah Nation Dean of Opelika, Alabama, on March 19, 1982; and

WHEREAS, Mrs. Dean was the mother of our friend and legislative colleague, Representative Shelby Dean Ward, and is survived by her husband Mr. Homer A. Dean and two other daughters, Mrs. Novella Dean Gray and Mrs. LaNell Dean Black; and

WHEREAS, Mrs. Dean was a longtime resident of Opelika and an active and faithful member of the First Baptist Church and was

involved in girl scout work and numerous other civic activities; and

WHEREAS, Mrs. Dean was a gracious Christian lady who stood ever ready to contribute to the needs of her neighbors and for the progress and betterment of her community, state and county; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Ilah Nation Dean of Opelika, Alabama, and direct that her family receive a copy of this resolution in expression of our care and concern for them in their time of such great sorrow.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-288 S.J.R. 232—Mr. Martin

SENATE JOINT RESOLUTION

COMMENDING AUSTIN HIGH SCHOOL, DECATUR, ALABAMA, ON ITS U. S. HIGH SCHOOL NATIONAL RECORD IN UNITS OF BLOOD COLLECTED 1981-82.

WHEREAS, the Alabama Legislature notes that since 1966 the Student Council of Austin High School has undertaken to spearhead drives to get the community to participate in donating blood and has set national records in the amount of blood collected in twelve-hour blood drives; and

WHEREAS, in 1982 the Student Council of Austin High School exceeded its own national record set in 1981 by collecting 1896 pints of blood in a twelve hour period and once again captured the U. S. High School National record for 1982; and

WHEREAS, the blood drive at Austin High School sponsored by the student council involved student officers and members of the council, faculty advisors and principal and the entire community in a cooperative humanitarian effort; and

WHEREAS, Todd Hill, Joy Hopper and Ted Holland served as co-chairmen and student officers: Mike Marmann, President; Deana Marks, Vice President; Denise Owens, Secretary; and Leanne Sharp, Treasurer; Mrs. Mary Ellen Poole, Student Council Advisor and Mr. Bearl Whitsett, Principal has the overall coordinating responsibilities in the organization of the blood drive and worked diligently for many hours; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we highly praise and congratulate Austin High School, Decatur, Alabama, the co-chairmen, its student council, Mrs. Mary Ellen Poole and Mr. Bearl Whitsett in setting the 1982 U. S. High School National record in twelve-hour blood drive.

BE IT FURTHER RESOLVED, That copies of this resolution be sent for appropriate display, and to the co-chairmen, and officers named herein, Mrs. Mary Ellen Poole and Mr. Bearl Whitsett.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-289 H. 55—Reps. Brakefield, Naramore

AN ACT

Relating to Walker County; to provide that all telephone calls that originate and terminate in Walker County, except those to and from telephones served by an exchange in Jefferson County, shall be charged as local calls; to provide that all costs of such service be borne by the telephone subscribers in Walker County affected by the service, to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as provided in Section 2 and subject to the provisions in Section 3 through 5 hereof, all telephone calls that originate and terminate within Walker County shall be charged as local calls.

Section 2. It is further provided that the provisions of this act shall not apply to telephones in Walker County which are served by an exchange located in Jefferson County.

Section 3. Telephone companies serving the telephones in the Walker County exchanges affected by this act shall be made whole for all additional expenses and revenue losses resulting from the implementation of this act. This make whole requirement shall include, but not be limited to, all capital expenditures, all loss of toll revenues, all expenses incurred in the study to determine the costs for providing this service, all costs of customer notice and all direct and indirect costs incurred in the provision of this service.

Section 4. No rates for any subscribers, other than those for the subscribers in Walker County affected by this Act, shall be raised as a result of the implementation of this act.

Section 5. The Alabama Public Service Commission shall

within 120 days of the effective date of this act in accordance with its existing rules and procedures determine the new rates to be charged the Walker County subscribers affected by this act.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-290 H. 775—Reps. Penry, McMillan

AN ACT

Relating to Baldwin County; to authorize the county commission, in its discretion, to appropriate funds from the county general fund to be expended by the sheriff to conduct investigations and to enforce the laws relating to the possession and sale of drugs and controlled substances.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Baldwin County is hereby authorized and empowered, in its discretion, to appropriate funds from the county general fund for the use of the sheriff in the investigation of, and the enforcement of laws relating to, drugs and the possession and sale of controlled substances.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-291 H. 761—Reps. Mitchell, Clark (G)

AN ACT

Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase; and providing for the conditions

upon which the provisions of this act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pickens County, in addition to all other fees, there shall be taxed as costs the sum of $5.00 in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceedings on a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgment or conviction in the circuit court of Pickens County, or the district court of Pickens County, hereinafter filed in or arising in the circuit court of Pickens County, or the district court of Pickens County, or brought by appeal, certiorari or otherwise to the circuit court of Pickens County, or the district court of Pickens County, which costs shall be collected as other costs in such cases are collected by the clerk, or ex officio clerk, of said courts or the register of the circuit court of Pickens County, as the case may be. Such fees, when collected by the clerks or other collection officers of such court, shall be paid into the county fund to be administered jointly by the sheriff and county commission for salaries, equipment and other expenses of the sheriff's department.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon the adoption of an amendment to the Constitution of 1901 authorizing changes in costs and charges of court in Pickens County. If such amendment is not adopted all provisions of this act shall become null and void.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-292 H. 762—Reps. Mitchell, Clark (G)

AN ACT

Relating to Pickens County; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the county revenue commissioner to the probate judge requiring an additional bond of the probate judge; providing for the payment of fees and commissions to the probate judge of the county, the distribution of the taxes to municipalities and the state, and the payment of commissions to the judge of probate; and defining terms.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pickens County the judge of probate shall perform all duties relative to the assessment and collection of ad valorem taxes on motor vehicles in such county which are required under the general law to perform. The revenue commissioner shall be relieved of all duties and responsibility relative to the assessment and collection of ad valorem taxes on such motor vehicles, and the judge of probate shall have all duties and responsibilities relative to the assessment or collection of ad valorem taxes and issuance of motor vehicle licenses. For the purposes of this Act the term motor vehicle shall mean the same as defined in Section 40-12-240, Code of Alabama 1975, as amended.

Section 2. Before entering upon the additional duties imposed by this Act, the judge of probate shall execute an additional bond in such penal sum as may be prescribed by the governing body of the county, giving as surety thereon a bonding company authorized to do business in this state. The bond shall be conditioned as other official bonds, shall be approved by the governing body of the county, and shall be filed and recorded in the office of the clerk of the circuit court of the county. A certified copy of such bond shall be furnished by the probate judge to the state comptroller. Premiums on such bond of the probate judge shall be paid from the general fund of the county.

Section 3. The county governing body shall furnish suitable quarters or such additional space if any be necessary for the efficient performance of the additional duties of the probate judge, and shall provide for the transfer of all necessary forms, books, records, stationery, supplies, and equipment from the office of the county revenue commissioner to the office of the judge of probate as shall be pertinent to the transferrence of the duties and shall thereafter provide the same, except such stationery, forms and supplies as are furnished pursuant to law by the state department of finance or the state comptroller and the state department of revenue. The probate judge shall also provide such clerks, deputies and other assistants as are necessary for the proper and efficient performance of the duties of his office. The judge of probate shall have authority to select, employ and discharge at will such clerks, deputies and other assistants and to fix their compensation; the compensation of such deputies and other assistants shall be paid by the probate judge.

Section 4. The judge of probate shall charge and collect the same fee that is prescribed in the general law for such service when performed by the tax assessor or the tax collector or others, as the case may be.

Section 5. To prevent motor vehicles from escaping taxation,

and to provide for the more efficient assessment and collection of taxes due on same, no license shall be issued to operate a motor vehicle on the public highways of this state, nor shall any transfer be made by the judge of probate as provided under this Act until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year as evidenced by receipt of the judge of probate, if the motor vehicle belongs to a resident of a county to which this Act applies or is principally used or operated in such county.

Section 6. A. Every person, firm or corporation residing in or owning a motor vehicle which is principally used in any county to which this Act applies who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the judge of probate; and the judge of probate shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the tax as shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act.

B. Valuation for ad valorem assessment of motor vehicle shall be at the same rate and on the same basis as is provided in Title 40, Chapter 12, Article 5, Code of Alabama 1975, as heretofore or hereafter amended, and all provisions of law with respect to the assessment on a quarterly basis are hereby incorporated in this Act and made a part hereof.

C. The judge of probate, in addition to assessing and collecting the ad valorem taxes due the state and county on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in such county and he shall report and pay over the money collected for said cities at the same time and in the same manner as state and county taxes and licenses are reported and paid over by him. The judge of probate shall receive a commission as provided by law for the amount of city taxes collected for assessing and collecting such taxes and he shall deduct said commission from the amount collected before paying the city treasury. The judge of probate shall not issue a license to operate a motor vehicle on the highways of this state until all ad valorem taxes due the said state, county and cities are paid for the preceding tax year as shown by his tax receipt.

Section 7. The said comptroller, the state department of revenue and the state department of finance are hereby required to furnish to the judge of probate all books, records and blanks now or hereafter required by law to be furnished to probate judges, tax assessors, and tax collectors in connection with the performance of their duties in the issuance of automobile license plates, and the assessment and collection of the ad valorem tax on motor vehicles.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. This Act shall become effective on a date to be set by the County Commission.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-293 H. 765—Rep. Pegues

AN ACT

Relating to Perry County; providing for an expense allowance for members of the board of education and repealing Act No. 187, S. 134, 1971 2nd Special Session, (Acts 1971, p. 4448).

Be It Enacted by the Legislature of Alabama:

Section 1. In Perry County, each member of the county board of education is hereby entitled to a monthly expense allowance of $100.00 a month. Said allowance shall be in lieu of all other compensation, salary, or expense allowance heretofore provided by law and be paid in equal monthly installments.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed and Act No. 187, S. 134, 1971 2nd Special Session, (Acts 1971, p. 4448) is hereby specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-294 H. 774—Reps. McMillan, Penry

AN ACT

To provide the sheriff's department of Baldwin County with a specific number of employees, establish the rate of compensation for said employees and provide training of such employees.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In lieu of any chief deputy sheriff, deputy sheriffs, jailers or matrons heretofore authorized by law, the sheriff of Baldwin County is hereby authorized to appoint not less than the following number of employees whose compensation shall be paid from any fund of the county treasury each month in the amounts listed below:

Number of Employees Authorized	Rank	Compensation
1	Chief Deputy	Shall be the same as a Lieutenant in the Alabama State Troopers in conformance with the compensation in effect the date this Act becomes a law.
2	Sergeants	Shall be the same as a Sergeant in the Alabama State Troopers in conformance with the compensation in effect the date this Act becomes a law.
1	Chief Jailer	Shall be the same as a Corporal in the Alabama State Troopers in conformance with the compensation in effect the date this Act becomes a law.
3	Investigators	Shall be not less than that made by a Trooper in the Alabama State Troopers and not more than that of a Sergeant in the Alabama State Troopers in conformance with the compensation in effect on the date this Act becomes a law.
14	Deputies	Shall be the same as a Trooper in the Alabama State Troopers in conformance with compensation in effect the date this Act becomes a law.
4	Jailers/Matrons	Shall be the same as a Trooper in the Alabama State Troopers in conformance with the compensation in effect the date this Act becomes a law.

(b) The authority to assign or reassign employees within the department is vested with the sheriff.

Section 2. All of the above named personnel shall be required to complete such training, schooling and inservice training as are required by state law and from time to time required and prescribed by the sheriff of Baldwin County, Alabama. Such training, schooling and inservice training to be paid by the county governing body.

Section 3. In addition to the compensation referred to in Section 1 of this Act all personnel shall be entitled to a uniform allowance of not less than $300.00 per year and the prescribed uniforms shall be purchased by department. Personnel assigned by the sheriff to wear civilian clothing shall be paid the said clothing allowance in cash for the replacement of civilian clothing.

Section 4. In addition to the employees authorized in Section 1 of this Act the sheriff is hereby authorized to appoint as many additional special deputies as he deems necessary, which special deputies shall serve without compensation from the county treasury.

Section 5. All compensation and number of personnel shall be considered to be minimum numbers of personnel and compensation thereof and the same may be increased at the discretion of the Baldwin County Commission but shall not be decreased.

Section 6. Nothing in this Act shall be construed as to abrogate the authority of the sheriff to reduce in rank and salary corresponding thereto of any person within the department for just cause or disciplinary action.

Section 7. All personnel under the provisions of this Act shall be entitled to all rights, benefits and protection of any merit system now provided or hereinafter provided the employees of Baldwin County and shall be entitled to all cost of living pay increases and other raises and benefits as provided for other county employees.

Section 8. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. Upon the passage of this Act by the Alabama legislature and adoption by the Governor, or its otherwise becoming a law, it shall become effective immediately.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-295 H.J.R. 336—Reps. Carter, Roberts, Patton, Smith (J)

HOUSE JOINT RESOLUTION

COMMENDING DR. JAMES R. CHASTEEN, RECIPIENT OF "OUTSTANDING ADMINISTRATOR" AWARD.

WHEREAS, the Alabama Legislature is pleased to learn that Dr. James R. Chasteen, President of Athens State College and Calhoun Community College, received from the Alabama major administrators associations, on April 6, 1982, the "Outstanding Administrator of the Year" Award for his outstanding management and administrative acumen; and

WHEREAS, Dr. James R. Chasteen, a native of Birmingham, Alabama, received his B. A, M. A. and Ed.S. Degrees from institutions of higher learning in Alabama and in 1975 he earned his doctoral degree from the University of Alabama, and completed post-doctoral work in 1979 at the Harvard Graduate School of Business; and

WHEREAS, Dr. Chasteen has demonstrated his exceptional management and administrative skills at the University of Alabama and the University of Montevallo, and in 1976 assumed the position of President of the John C. Calhoun State Community College, Decatur, Alabama, where he has demonstrated his many talents and leadership abilities, thus simultaneously managing two complex institutions; and

WHEREAS, the "Outstanding Administrator of the Year" Award was first initiated in 1981 by the Alabama Association of Colleges and Universities; Alabama Association of Women Deans and Counselors; Alabama Alpha Chapter, American Association of University Administrators; and Association of Alabama College Administrators to award worthy individuals who have pioneered in resolving complex educational administrative challenges of extraordinary nature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend the outstanding example of leadership and administrative acumen and his selection as "Outstanding Administrator of the Year."

RESOLVED FURTHER, That we do send a copy of this resolution to Dr. James R. Chasteen as a token of our esteem.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-296 H.J.R. 345—Rep. McKee

HOUSE JOINT RESOLUTION

URGING THE EXPEDITIOUS IMPLEMENTATION OF THE 1980-81 PAY AND CLASSIFICATION FOR STATE EMPLOYEES WITH CERTAIN RECOMMENDATIONS.

WHEREAS, pursuant to Act No. 81-1182, H. 34, 1981 Third Special Session, a joint interim committee has met and held public hearings concerning the proposed state employees classification and pay plan; and

WHEREAS, the committee has made the following recommendations concerning the aforementioned pay and classification study; and

1) That the Legislature has been made aware of the fact that various personnel have been employed outside the State Merit System to perform duties that are within the purview of the Merit System and we hereby urge all state departments to hire within the Merit System.

2) That future interim legislative committees will find that the aforementioned problem has been addressed and eradicated.

3) That it is our understanding through this resolution that there shall be a continuing and ongoing investigation of all classifications under the plan and said classifications shall be subject to constant review.

4) That many clerical employees feel their promotional opportunities are limited and we urge that this area be studied and a solution offered.

5) That the plan be modified as to the employees of Legislative Reference Service so as to comply with Section 29-7-5, Code of Alabama 1975.

6) That regardless of who sits in the Governor's Office or in the Legislature, the state personnel board must remain outside the sphere of politics and we hereby charge the board to make adequate compensation for all state employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby approve of and urge the implementation of the Pay and Classification Study for state employees with the above recommendations.

BE IT FURTHER RESOLVED, That the implementation date of the plan be at the next pay period following the passage of this resolution and its signing by the Governor.

Approved April 19, 1982

Time: 4:45 P.M.

Act No. 82-297

H. 531—Reps. Carothers, Grimsley, Williams, Daniels

AN ACT

To amend Section 11-86-2, Code of Alabama 1975, which relates to county or municipal recreation boards created under the provisions of Chapter 86 of Title 11 of the Code of Alabama 1975, so as to provide that the membership of such boards may consist of not less than five nor more than nine members and to provide for the terms of office of any members authorized by this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-86-2, Code of Alabama 1975, is hereby amended as follows:

"Section 11-86-2. Each recreation board shall consist of not less than five nor more than nine members selected by the county commission or municipal governing body from residents of the county or municipality who have recognized interest in recreational activities. Members of the recreation board first shall be appointed as follows: One for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years; and one for a term of five years. Any members, in excess of five, shall initially be appointed as follows: The sixth member shall be appointed for a term of one year; the seventh member shall be appointed for a term of two years; the eighth member shall be appointed for a term of three years; and the ninth member shall be appointed for a term of four years. As the terms of members expire, their successors shall be selected for terms of five years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. The board shall elect from its membership a chairman and secretary and such other officers as it deems necessary to serve at its pleasure. The board shall adopt rules and regulations covering the procedures of the board and the use of lands, buildings, equipment and other facilities under its jurisdiction. Members of the board shall serve without compensation."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1982

Time: 10:00 A.M.

Act No. 82-298 S. 205—Mr. Higginbotham

AN ACT

To amend Section 16-4-5, Code of Alabama, 1975, to require the taking of a school census every ten years and, further, repeals the school census requirement subject to ratification of a constitutional amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-4-15, Code of Alabama, 1975, is amended as follows: The state superintendent of education shall prepare, or cause to be prepared, and submit for approval and adoption by the state board of education rules and regulations for the taking of a dicennial school census of all children in the state between 6 and 19 years of age, also the forms and blanks to be employed in taking such census and in compiling the reports thereon. The next school census shall be taken in 1988 and every ten years thereafter, and the state superintendent of education may cause the whole or any part of the school census of any county or of any city to be retaken at any time, if, in the judgment of the state superintendent of education, the whole or any part of the census has not been properly taken.

Section 2. Should a constitutional amendment removing the requirements of the school census be ratified by the people, the provisions of Section 16-4-15, Code of Alabama, 1975, thereby shall be automatically repealed without further action required of the Legislature.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 20, 1982

Time: 10:00 A.M.

Act No. 82-299 H. 689—Rep. Langford

AN ACT

Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Montgomery County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in Montgomery County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions as provided by law regulating such operation. The said governing bodies shall have the authority to promulgate rules and regulations for the issuance of permits or licenses and for operation of bingo games, within their respective jurisdictions; provided, however, that said governing bodies must insure compliance pursuant to said law and the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian; nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo;

(b) No bingo permit or license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 12 months immediately prior to the issuance of the permit or license;

(c) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises is leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games;

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game;

(e) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game;

(f) Prizes given by any qualified nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value, set by the legislature, during any bingo session. The legislature shall set a maximum amount for any calendar week.

(g) No person or organization, by whatever name or composition thereof, shall take any expenses for the operation of a bingo game except as permitted by law.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Section 4. The provisions of this amendment shall not become operative in Montgomery County unless approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose upon call of the county commission. Such election may be called no more frequently than every two years; provided further, that if this amendment is approved by a majority of the qualified electors of Montgomery County who vote thereon upon its submission, such election shall constitute a referendum election held for such purpose and no further election need be called.

CONSTITUTIONAL AMENDMENT

Passed the House April 1, 1982

Passed the Senate April 20, 1982

Act No. 82-300

S. 302—Messrs. Barron, Higginbotham, Harrison, White, Holmes, Parsons and Taylor

AN ACT

To propose a constitutional amendment amending subsection 6.09(d) of Article VI, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 328, relating to judicial compensation so as to provide that the recommendations of the judicial compensation commission shall become law upon confirmation by a joint resolution.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to subsection 6.09(d) of Article VI of the Constitution of Alabama of 1901, as amended, is hereby proposed:

PROPOSED AMENDMENT

"6.09.

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law upon confirmation by a joint resolution or such recommendations may be altered by an act of the legislature at the session to which the report is submitted. The compensation of a judge shall not be diminished during his official term."

Section 2. ELECTION ORDERED: DATE OF ELECTION. An election upon the proposed amendment is ordered to be held on the date of the next general or special election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Section 284 and Section 285 of the Constitution of Alabama 1901, as amended, and Title 17, Chapter 17, Code of Alabama 1975.

Section 3. NOTICE OF ELECTION. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the state once a week for four successive weeks next preceding the day appointed herein for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

CONSTITUTIONAL AMENDMENT

Passed the Senate March 30, 1982

Passed the House April 20, 1982

Act No. 82-301 H. 617—Rep. Moore

AN ACT

An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Alabaster, Alabama, so as to incorporate certain territory as described herein.

Be It Enacted by the Legislature of Alabama:

Section 1. To alter, re-arrange and extend the boundaries and corporate limits of the City of Alabaster, Alabama, so as to incorporate certain territory as described herein.

Begin at a point on the North line of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama, where it intersects the Southwest right-of-way line of U. S. Highway No. 31 as it is now

located. (Said point being on the existing Alabaster city limits line) thence run in a Southeasterly direction along the said Southwest right-of-way line of said U. S. Highway No. 31 to a point on the North line of the SW¼ of Section 28, Township 21 South, Range 2 West; thence turn an angle to the right and run in a Westerly direction along the North line of said quarter section line to the Northeast corner of the S½ of Section 29, Township 21 South, Range 2 West; thence continue along last mentioned course in a Westerly direction along the North line of the S½ of Section 29 and along the North line of property owned by Alabama Power Company as recorded in Deed Book 276, Page 801 in the Office of the Judge of Probate, Shelby County, Alabama, to a point on the Easterly right-of-way line of Interstate Highway No. 65; thence run in a Northerly direction along said Easterly right-of-way line of Interstate Highway No. 65 to a point of intersection with the North line of Section 19, Township 21 South, Range 2 West, said point being on the North line of property owned by the Mead Corporation as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Deed Book 254, Page 301; thence run in a Westerly direction along the North line of said Mead Corporation property and the North line of Section 19, Township 21 South, Range 2 West and the North line of Sections 24 and 23, Township 21 South, Range 3 West to the Northwest corner of the NE¼ of the NE¼ of said Section 23; thence run in a Southerly direction along the West line of the E½ of the E½ of said Section 23 to the Northeast corner of the NW¼ of the NE¼ of Section 26, Township 21 South, Range 3 West, said point also being on the North line of the E. H. Till property as recorded in the Office of the Judge of Probate, Shelby County, Alabama in Deed Book 117, Page 236; thence run in a Westerly direction along the North line of said Section 26 and said E. H. Till property to its intersection with the Easterly right-of-way line of Alabama Highway No. 119; thence run in a Northwesterly direction along said Easterly right-of-way line of said Alabama Highway No. 119 to its intersection with the Northerly right-of-way line of Shelby County Highway No. 80 and the extension thereof; thence run in a Westerly direction along the Northerly right-of-way line of Shelby County Highway No. 80 and the extension thereof to its intersection with the Northerly right-of-way line of Shelby County Highway No. 12; thence run in a Westerly direction along the Northerly right-of-way line of said Shelby County Highway No. 12 to its intersection with the Easterly right-of-way line of Shelby County Highway No. 17; thence run in a Northerly direction along the Easterly right-of-way line of said Shelby County Highway No. 17 to its intersection with the Southerly right-of-way line of Shelby County Highway No. 44; thence run in an Easterly direction along said Southerly right-of-way line of Shelby County Highway No. 44 to a point on the East line of the SW¼ of Section 34, Township

20 South, Range 3 West, (said point also being on the existing Alabama City Limits line) thence run in a Southerly direction along said East line of the SW¼ and existing Alabaster City Limits line to a point on the North line of Section 3, Township 21 South, Range 3 West, said point being the NW corner of the NE¼ of said Section 3; thence continue in a Southerly direction along the West line of the NE¼ of said Section 3 and the existing Alabaster City Limits line to the Northwest corner of the SE¼ of said Section 3; thence turn an angle to the left and run in an Easterly direction along the North line of the SE¼ of said Section 3; and the existing Alabaster City Limits line to the Northeast corner of the NW¼ of the SE¼ of said Section 3; thence run in a Southerly direction along the East line of the W½ of the SE¼ of said Section 3 and the existing Alabaster City Limits line to a point on the North line of Section 10, Township 21 South, Range 3 West, being the Northeast corner of the NW¼ of the NE¼ of said Section 10; thence continue in a Southerly direction along the East line of the NW¼ of the NE¼ of said Section 10 and along the existing Alabaster City Limits line to the Southeast corner of the NW¼ of the NE¼ of said Section 10; thence turn an angle to the right and run in a Westerly direction along the South line of the NW¼ of the NE¼ and along the existing Alabaster City Limits line to the Southwest corner of the NW¼ of the NE¼; thence turn an angle to the left and run in a Southerly, Westerly, Easterly and Northerly direction along the existing Alabaster City Limits line to a point on the Westerly line of Section 11, Township 21 South, Range 3 West; thence run in a Northerly and Easterly direction along the existing Alabaster City Limits line to a point on the North line of said Section 11; thence turn an angle to the right and run in an Easterly direction along the North lines of Sections 11 and 12, and the existing Alabaster City Limits line to a point on the Westerly right-of-way line of U. S. Highway No. 31 being the point of beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS A, B, C, D, and E and F, G and H:

PARCEL A: Begin at the SE corner of the SE¼ of the NW¼ of Section 11, Township 21 South, Range 3 West, Shelby County, Alabama, and run East along the South line of the SW¼ of the NE¼ of said Section 11 for 654.81 feet; thence turn left 87 deg. 05 min. and run 760.5 feet, more or less, to the Southerly right-of-way line of the Louisville & Nashville Railroad; thence turn left 93 deg. 45 min. and run 691.6 feet; thence turn left 89 deg. 06 min. and run 210 feet; thence turn right 89 deg. 06 min. and run 284.0 feet to the East right-of-way line of Alabama State Highway No. 119; thence turn left and run South along said East right-of-way to the extension of the South right-of-way line of Shelby County Highway No. 264; thence turn right and run West along said South right-of-way line and extension

thereof to the West line of the NW¼ of said Section 11; thence turn left and run South along the West line of said ¼ Section to the NE corner of the NE¼ of the SE¼ of Section 10, Township 21 South, Range 3 West; thence turn right and run West along the North line of said ¼-¼ Section to the NW corner of said ¼-¼ Section; thence turn left and run South along the West line of said ¼-¼ Section to the NE corner of the SW¼ of the SE¼ of said Section 10; thence turn right and run West along the North line of said ¼-¼ Section to the NW corner of said ¼-¼ Section; thence turn left and run South along the West line of said ¼-¼ Section to the SW corner of said ¼-¼ Section; thence turn right and run West along the North line of the NE¼ of the NW¼ of Section 15, Township 21 South, Range 3 West, for 330 feet; thence turn left and run South 2 deg. 45 min. East for 144 feet, more or less, to the South line of an unnamed county road; thence continue South along same course 451.75 feet; thence turn right 88 deg. 19 min. 38 sec. and run West 200 feet; thence turn left 88 deg. 19 min. 38 sec. and run South 324 feet; thence turn right and run West, parallel with the South line of said ¼-¼ Section 230 feet; thence turn left and run South, parallel with the West line of said ¼-¼ Section 336 feet, more or less, to the South line of said ¼-¼ Section; thence turn right and run West along the South line of said ¼-¼ Section to the SW corner of said ¼-¼ Section; thence continue West along the South line of the NW¼ of the NW¼ of said Section 15 for 520 feet, more or less, to the East right-of-way line of an unnamed county road; thence turn right and run Northeasterly along said right-of-way line to a point 313.2 feet North of the South line of said ¼-¼ Section; thence turn right and run East, parallel with the South line of said ¼-¼ Section 580.0 feet, more or less, to the East line of said ¼-¼ Section at a point 313.2 feet North of the South line of said ¼-¼ Section; thence turn left and run North along the East line of said ¼-¼ Section 533.8 feet; thence turn left 89 deg. 00 min. and run West 230.9 feet to the East right-of-way line of said unnamed county road; thence run Northerly along said East right-of-way line and extension thereof to the North line of said ¼-¼ Section; thence turn left and run West along the North line of said ¼-¼ Section to a point 400 feet East of the NW corner of the NE¼ of the NW¼ of the NW¼ of said Section 15; thence turn left and run South, parallel with the West line of said ¼-¼-¼ Section, 360 feet; thence turn right and run West, parallel with the North line of said ¼-¼-¼ Section 135 feet; thence turn left and run South, parallel to the West line of said ¼-¼-¼ Section 40 feet; thence turn right and run West, parallel with the North line of said ¼-¼-¼ Section 265 feet, more or less, to the West line of said ¼-¼-¼ Section; thence turn right and run North along the East line of the NW¼ of the NW¼ of the NW¼ of said Section 15 to a point 332.725 feet South of the North line of said ¼-¼-¼ Section; thence

turn left 89 deg. 00 min. and run West 132.00 feet; thence turn right 89. deg. 00 min. and run North 332.725 feet to the North line of said ¼-¼-¼ Section; thence turn left and run West along the North line of said ¼-¼-¼ Section to the NW corner of said ¼-¼-¼ Section; thence turn left and run South along the West line of said ¼-¼-¼ Section to a point 930.65 feet North of the SE corner of the NE¼ of the NE¼ of Section 16, Township 21 South, Range 3 West, Shelby County, Alabama; thence turn right and run West, parallel with the South line of said ¼-¼ Section 468.0 feet; thence turn left and run South, parallel with the East line of said ¼-¼ Section 930.65 feet to the South line of said ¼-¼ Section; thence turn left and run East along the South line of said ¼-¼ Section 468.0 feet to the SE corner of said ¼-¼ Section; thence turn right and run South along the West line of the NW¼ of Section 15, Township 21 South, Range 3 West, to the SW corner of said ¼ Section; thence turn left and run East along the South line of said ¼ Section to the SE corner of said ¼ Section; thence turn left and run North along the East line of said ¼ Section to the SW corner of the NW¼ of the NE¼ of said Section 15; thence turn right and run East along the South line of said ¼-¼ Section to the SE corner of the W½ of said ¼-¼ Section; thence turn left and run North along the East line of the W½ of said ¼-¼ Section 391 feet; thence turn left and run West, parallel with the South line of the W½ of said ¼-¼ Section 330 feet to the East line of W½ of the W½ of said ¼-¼ Section; thence turn right and run North 2 deg. 45 min. West 950 feet to the North line of said ¼-¼ Section; thence turn right and run East along the North line of said ¼-¼ Section to the NW corner of the E½ of said ¼-¼ Section; thence turn right and run South along the West line of the E½ of said ¼-¼ Section to a point 770 feet North of the South line of said ¼-¼ Section; thence turn left and run East, parallel with the South line of said ¼-¼ Section to the East line of the W½ of the E½ of said ¼-¼ Section; thence turn left and run North along the East line of the W½ of the E½ of said ¼-¼ Section to the North line of said ¼-¼ Section; thence turn right and run East along the North line of said ¼-¼ Section to the NW corner of the NE¼ of the NE¼ of said Section 15; thence turn right and run South along the West line of said ¼-¼ Section to a point 18.0 feet North of the SW corner of said ¼-¼ Section; thence turn left 87 deg. 44 min. 16 sec. and run Easterly 529.42 feet; thence turn an angle of 83 deg. 22 min. 48 sec. to the left and run a distance of 88.86 feet; thence turn an angle of 00 deg. 07 min. 09 sec. to the left and run a distance of 277.93 feet; thence turn an angle of 31 deg. 03 min. 27 sec. to the right and run a distance of 46.67 feet; thence turn an angle of 14 deg. 34 min. 20 sec. to the right and run a distance of 50.28 feet; thence turn an angle of 26 deg. 07 min. 52 sec. to the left and run a distance of 50.69 feet; thence turn an angle of 9 deg. 41 min. 08 sec. to the left and run a distance of 60.81 feet; thence turn an angle of 9 deg. 16 min.

50 sec. to the left and run a distance of 188.98 feet; thence turn an angle of 81 deg. 04 min. 08 sec. to the right and run a distance of 143.80 feet; thence turn an angle of 09 deg. 20 min. 40 sec. to the right and run a distance of 142.94 feet; thence turn an angle of 1 deg. 50 min. 43 sec. to the right and run a distance of 315.56 feet to the East line of said ¼-¼ Section; thence turn left and run North along the East line of said ¼-¼ Section to the NE corner of said ¼-¼ Section; thence turn right and run East along the North line of Section 14, Township 21 South, Range 3 West 715.00 feet; thence turn right 85 deg. 55 min. and run Southerly to the South right-of-way line of Shelby County Highway No. 26; thence run South 6 deg. 45 min. East 100 feet; thence turn right and run South 73 deg. 15 min. West 199.46 feet; thence turn left, and run South 6 deg. 45 min. East 300 feet; thence turn left and run North 73 deg. 15 min. East 199.46 feet; thence turn left and run North 6 deg. 45 min. West to a point (said point being described as commencing at the NW corner of said Section 14 and running Easterly along the North line of said Section 715.00 feet, then turning right 85 deg. 55 min. and running Southerly 356.0 feet to the point described); thence turn right 107 deg. 51 min. and run Easterly 60.57 feet; thence Easterly along the South line of the parcel sold to Joe V. Honeycutt and wife, Bonnie S. Honeycutt, by deed recorded in Deed Book 163, Page 517, in the Probate Office of Shelby County, Alabama, to the Southeast corner of said Honeycutt property, being a point on the Westerly line of an unnamed street; thence turn left and run North along the Westerly line of said unnamed street to the Southernmost corner of the parcel sold to Joe V. Honeycutt and Bonnie S. Honeycutt by deed recorded in Deed Book 153, Page 588, in the Probate Office of Shelby County, Alabama, said corner being on the Easterly line of Lot 18 of Maxwell's Addition to Elliottsville recorded in Map Book 3, Page 118, in the Probate Office of Shelby County, Alabama; thence run Northeasterly along the line of said unnamed street to the extension of the Southerly line of Lot 14 of said Maxwell's Addition; thence turn right and run Southeasterly along the Southerly line of said Lot 14 and extension thereof to the Southeast corner of said Lot 14; thence turn left and run Northeasterly along the Easterly line of said Lot 14 and the Easterly line of Lot 13 of said Maxwell's Addition to the extension of the Southerly line of Lot 6A of said Maxwell's Addition; thence turn right and run Southeasterly along the Southerly line of said Lot 6A and extension thereof to the Westerly right-of-way line of Alabama State Highway No. 119; thence turn left and run Northeasterly along said Westerly right-of-way to the center line of Buck Creek in Section 11, Township 21 South, Range 3 West; thence turn left and follow the meanderings of the center line of Buck Creek in a Westerly and Northerly direction to the South line of the SW¼ of the NW¼ of said Section 11; thence turn right and run Easterly along the South

line of said ¼-¼ Section and the South line of the SE¼ of the NW¼ of said Section to the SE corner of the SE¼ of the NW¼ of said Section, the point of beginning. Situated in Shelby County, Alabama.

PARCEL B: Commence at the Northwest corner of the N½ of the NW¼ of the NW¼ of Section 14, Township 21 South, Range 3 West; thence in an Easterly direction along the North boundary of said half-quarter-quarter section 146.0 feet; thence turn an angle of 88 deg. 00 min. to the right in a Southeasterly direction 663.0 feet to intersection with South boundary of said half-quarter-quarter section; thence turn an angle of 87 deg. 05 min. to the left along said South boundary 912.0 feet to intersection with the Northwest right-of-way boundary of Alabama State Highway No. 119; thence turn an angle of 64 deg. 54 min. to the left along said Northwest right-of-way boundary 10.0 feet to the point of beginning; thence continue along said Northwest boundary 126.0 feet; thence turn an angle of 115 deg. 06 min. to the left in a Westerly direction 150.0 feet; thence turn an angle of 64 deg. 54 min. to the left in a Southeasterly direction 126.0 feet; thence turn an angle of 115 deg. 06 min. to the left in an Easterly direction 150.0 feet to the point of beginning.

PARCEL C: Commence at the Southeast corner of the NE¼ of the NW¼ of Section 15, Township 21 South, Range 3 West, Shelby County, Alabama; thence run Westerly along the South line of said ¼-¼, 764.57 feet to a point; thence 88 deg. 19 min. 38 sec. right and run Northerly 660.0 feet to a point; thence 91 deg. 40 min. 22 sec. right and run Easterly 200.0 feet to a point; thence 91 deg. 40 min. 22 sec. left and run Northerly 221.39 feet to a point; thence 67 deg. 47 min. left and run Northwesterly 158.06 feet to the point of beginning of the property being described; thence 7 deg. 50 min. 31 sec. left and run Westerly 55.38 feet to a point; thence 12 deg. 42 min. 07 sec. left and run Westerly 55.00 feet to a point; thence 88 deg. 19 min. 38 sec. right and run Northerly 195.0 feet to a point; thence 88 deg. 19 min. 38 sec. left and run Westerly 20.19 feet to a point on the East right-of-way line of a public road 30.0 feet in width; thence 84 deg. 10 min. right and run Northerly 55.17 feet along the right-of-way of said road to the point of beginning of a curve to the right having a central angle of 126 deg. 13 min. 38 sec. and a radius of 25.0 feet; thence continue along the arc of said curve 55.10 feet to the point of tangency of said curve; thence continue running Easterly along the South right-of-way line of said road 62.21 feet to the point of beginning of a curve to the left having a central angle of 8 deg. 20 min. and a radius of 234.63 feet; thence continue Easterly along the arc of said road curve a distance of 34.12 feet to the point of tangency of said curve; thence continue Easterly along the South right-of-way line of said road a tangent distance of 107.01 feet to a point; thence 89 deg. 55 min. right and run Southerly 214.96 feet to the point of

beginning, containing 0.90 acres and marked on the corners with iron pins.

PARCEL D: The NW¼ of the NE¼ of Section 16, Township 21 South, Range 3 West, Shelby County, Alabama.

PARCEL E: Begin at the SW corner of the NE¼ of the NW¼ of Section 16, Township 21 South, Range 3 West, Shelby County, Alabama, and run East along the South line of said ¼-¼ Section 134.40 feet; thence turn left 93 deg. 21 min. 52 sec. and run Northerly 620.20 feet to the South right-of-way line of Shelby County Highway No. 26; thence turn left 90 deg. 00 min. 21 sec. and run Westerly along said South right-of-way 358.81 feet; thence turn left 39 deg. 42 min. 40 sec. and run Southwesterly 100.0 feet to the East right-of-way line of Shelby County Highway No. 17; thence turn left 40 deg. 28 min. 50 sec. and run Southerly along said East right-of-way 141.33 feet; thence turn right 1 deg. 13 min. 22 sec. and run Southerly along said East right-of-way 288.97 feet; thence turn left 5 deg. 13 min. 33 sec. and run Southerly along said East right-of-way 103.0 feet to the South line of the NW¼ of the NW¼ of said Section 16; thence turn left 92 deg. 26 min. 06 sec. and run East along the South line of said ¼-¼ Section 391.97 feet to the point of beginning.

PARCEL F: Commence at the point where the north border of Section 14, T21S, R3W intersects the north bank of Buck Creek; thence run in a northwesterly direction along the north bank of Buck Creek to the East ROW of Highway 119. Exclude from this parcel a cemetery plot, located near the intersection of Buck Creek and Highway 119, and more closely described as follows: A rectangular cemetery plot with a north-south dimension of 155 feet, more or less, and an east-west dimension of 205 feet, more or less. The southwest corner of said cemetery plot is located 81 feet, more or less, north of Buck Creek and 50 feet, more or less, east of the East ROW of Highway 119. From the intersection of the North bank of Buck Creek and the East ROW of Highway 119 run North along the East ROW of Highway 119 to a point on the North Border of the South 1/2 of Section 11, T21S, R3W; thence run in an Easterly direction along the North border of said 1/2 section to the Southwest corner of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 11; thence turn left and run North along the West boundary of said 1/2-1/4-1/4 section to the North ROW of the L & N southbound main Railroad; thence run Northwest along the North ROW of said RR to a point on the South line of the Northwest 1/4 of the Northeast 1/4 of Section 11; thence run west to the Southwest corner of said 1/4-1/4 section; thence run North along the West border of 1/4-1/4 section to the Northwest corner of said 1/4-1/4 section; thence run East along the North Border of said 1/4-1/4 section to the Northeast corner of said 1/4-1/4 section; thence run South along the East border of said

1/4-1/4 section to the Southeast corner of said 1/4-1/4 section; thence run East along the South border of the Northeast 1/4 of the Northeast 1/4 of Section 11 to the Southwest Corner of the Northwest 1/4 of the Northwest 1/4 of Section 12, T21S, R3W; thence run North along the West border of said 1/4-1/4 section to the Northwest corner of said 1/4-1/4 section; thence run East along the North border of said 1/4-1/4 section to a point on the West ROW of the L & N Railroad; thence run in a Southeasterly direction along the West ROW of said L & N RR to a point on the North border of the South 1/2 of the Northwest 1/4 of Section 12; thence run East along the North border of said 1/2-1/4 section to the Northeast corner of said 1/2-1/4 section; thence run South along the East border of the West 1/2 of Section 12 to the Southeast corner of the Northeast 1/4 of the Southwest 1/4 of Section 12; thence run West along the South border of said 1/4-1/4 section to the Northeast corner of the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 12; thence run South along the East border of said 1/2-1/4-1/4 section to the Southeast corner of said 1/2-1/4-1/4 section; thence run west along the South border of said 1/2-1/4-1/4 section for 271 feet, more or less; then turn right and run directly North for 452 feet, more or less; then turn left and run directly West for 315 feet, more or less; thence turn left and run directly South 452 feet, more or less, to the North ROW of the southbound main of the L & N Railroad, which is located at the Southeast corner of the Southeast 1/4 of the Southwest 1/4 of Section 12; thence run West from the South ROW of said L & N RR at Said corner along the South border of Sections 12 and 11 to the point of beginning.

PARCEL G: All of the West 1/2 of the Southwest 1/4 of Section 13, Township 21 South, Range 3 West Shelby County, Alabama.

PARCEL H: Begin at a point on the North line of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama, where it intersects the Southwest right-of-way line of U. S. Highway No. 31 as it is now located. (Said point being on the existing Alabaster city limits line) thence run in a Southeasterly direction along the said Southwest right-of-way line of said U. S. Highway No. 31 to a point on the North line of the SW 1/4 of Section 28, Township 21 South, Range 2 West, thence turn an angle to the right and run in a Westerly direction along the North line of said quarter section line to the Northeast corner of the S 1/2 of Section 29, Township 21 South, Range 2 West; thence continue along last mentioned course in a Westerly direction along the North line of the S 1/2 of Section 29 and along the North line of property owned by Alabama Power Company as recorded in Deed Book 276, Page 801 in the Office of the Judge of Probate, Shelby County, Alabama, to a point on the Easterly right-of-way line of interstate Highway No. 65; thence run in a Northerly direction along said Easterly right-of-way line of Interstate Highway

No. 65 to a point of intersection of Interstate Highway No. 65 and the South boundary of the Corporate City limit of Alabaster, Alabama.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the City of Alabaster, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County and the results thereof canvassed in the manner prescribed by Title 11, Chapter 42, Article 3, Code of Alabama, 1975, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however no municipal resolution of the municipal governing body need be made or filed with the Probate Judge, no need a plat or map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No._____ of the 1982 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Alabaster, in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes". If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The City of Alabaster shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes", the provisions of this Act shall become operative immediately. If the majority are "No", this Act shall have no further effect.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 4. This act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on April 20, 1982 without approval by the Governor.

Act No. 82-302 H. 161—Reps. Manley, McCorquodale, Williams, Owens, Dial, Warren, Wyatt, Harper (O), Daniels,

Edwards, Rains, Cates, Clark (G), Hall, Cosby, Whatley, Smith (J), Willis, Sasser, Grouby, Cheatwood, Pegues, Letson, Carter, Holley, Laird, Ray

AN ACT

To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

Be It Enacted by the Legislature of Alabama:

Section 1. Amendment of §40-7-25.1. Section 40-7-25.1, Code of Alabama 1975 [Section 4 of Act No. 135, 1978 Second Extraordinary Session (Acts of 1978, p. 1868)] is hereby amended as follows:

"Section 40-7-25.1. Current use value of Class III property - Definition; appraisal of property at request of owner; factors considered in appraisal; rules and regulations of Department of Revenue. For ad valorem tax years beginning on and after October 1, 1978, with respect to taxable property defined in section 40-8-1, as amended, as Class III property and upon request by the owner of such property as hereinafter provided, the assessor shall base his appraisal of the value of such property on its current use on October 1 in any taxable year and not on its fair and reasonable market value. Failure of an owner of Class III property to request appraisal at current use value shall mean that the property shall be valued on its fair and reasonable market value as otherwise provided in this Title until such time as the owner thereof shall request valuation on the basis of current

use value. As used in this chapter, "current use value" shall be deemed to be the value of eligible taxable property based on the use being made of that property on October 1 of any taxable year; provided, that no consideration shall be taken of the prospective value such property might have if it were put to some other possible use. It is not the intent of the Legislature to establish in this section any presumption as to the fair and reasonable market value of any property, or any minimum such value. This section shall govern only determination of the current use value of eligible property with respect to which a timely request for appraisal at current use value shall have been made.

(a) In determining the current use value, on and after October 1, 1981, of eligible taxable property the owner of which shall elect current use valuation of such property hereunder, the assessor shall utilize the standard value method of current use valuation outlined herein. (No new application form need be filed under §40-7-25.2 in order for this method to be utilized with respect to property the owner of which, prior to October 1, 1981, shall have elected to have had assessed at the ratio of its assessed value to its current use value, and which property was in fact so assessed; however, the tax assessor of the county in which the property is located may request of the owner such additional information as may be required to compute current use value hereunder.) To utilize the standard value method of current use valuation, the tax assessor shall first determine the character of the property with respect to which current use valuation is elected as agricultural (which characterization shall cover all of the types of real property described in §40-8-1(b)(3) with the exception of real property used for the growing and sale of timber and forest products), forest (meaning real property used for the growing and sale of timber and forest products), residential (as defined in §40-8-1(b)(2)), or historic building and site (as defined in §40-8-1(b)(6)). With respect to Class III property consisting of parcels of five acres or less, the owners of which shall have elected current use valuation respecting those parcels, the tax assessor may require the submission of additional data as may be necessary to establish that the use being made of the parcels of property in question is agricultural, forest or residential or historic building and site, as the case may be; such data may include site management plans from the Alabama Forestry Commission, photographs and surveys, or verification of use from the county farm agent or the U. S. Soil Conservation Service.

With respect to agricultural and forest property, the tax assessor shall determine, utilizing the soil groups defined herein, the Productivity Rating or Ratings applicable to such property based on the following schedule:

Soil Group	Agricultural Productivity Rating	Forest Productivity Rating
1	Good	Good
2	Good	Good
3	Average	Average
4	Average	Average
5	Average	Average
6	Poor	Average
7	Non-Productive	Poor
8	Good	Good
9	Poor	Average
10	Non-Productive	Non-Productive

The Soil Groups of agricultural and forest property shall be determined using the following general definitions (to fall within a particular soil group property need not exhibit all the general characteristics described herein for that group, but must generally be describable by a preponderence of those characteristics; the Department of Revenue prior to issuing any regulations further defining soil groups hereunder shall consult with the U. S. Soil Conservation Service and the Alabama Cooperative Extension Service):

Soil group #1. Nearly level soils on uplands; mostly deep and well drained (0 to 2 percent slopes). Soils in this group have no limitations that significantly restrict their use for agriculture. They are well suited to a wide range of plants and may be used for cultivated crops, small grains, hay crops, pasture, or woodland. They have moderate to high available water capacity and are responsive to fertilization.

Soil group #2. Nearly level soils on uplands; mostly deep, imperfectly drained (0 to 2 percent slopes). Soils in this group have a wetness limitation that restricts their use for agriculture. The choice of plants may be restricted on some soils but as a group they are suited for cultivated crops, small grains, hay crops, pasture, or woodland. The wetness limitation can be partially overcome by drainage. The soils have high available water capacity and are responsive to fertilization.

Soil group #3. Nearly level soils on uplands; mostly deep, well drained with thick sandy surface layers (0 to 5 percent slopes). Soils in this group have a low available water capacity that restricts their use for agriculture. The choice of plants is restricted and the soils require special considerations when used for cultivated crops and small grains. Most soils in this group are well suited for hay crops, pasture, and woodland. Special practices must be used to prevent

deterioration of soils and to maintain yields if used for cultivated crops. Most soils in this group have low fertility levels that are not easily corrected by fertilization.

Soil group #4. Gently sloping to sloping soils on uplands (2 to 6 percent slopes). Soils in this group have moderate limitations that restrict their use for agriculture. The choice of plants may be restricted on some soils but as a group they are well suited for cultivated crops, small grains, hay crops, pasture, or woodland. Limitations can be overcome by conventional practices but the soils require careful management to prevent deterioration and maintain maximum crop yields. Limitations include one or more of the following: slopes of about 2 to 6 percent, a somewhat restricted rooting zone, very slow permeability of the subsoil, and low available water capacity. Most soils in this group are responsive to fertilization.

Soil group #5. Sloping to strongly sloping soils on uplands (6 to 10 percent slopes). Soils in this group have severe limitations that restrict their use for agriculture. The choice of plants is restricted and the soils require special considerations when used for cultivated crops and small grains. Most soils in this group are well suited for hay crops, pasture, and woodland. Special practices must be used to prevent deterioration of the soils and to maintain yields if used for cultivated crops. Limitations include one or more of the following: slopes of about 6 to 10 percent, very slow permeability of the subsoil, shallow rooting zone and, low available water capacity. Some sandy soils in this group have low fertility levels that are not easily corrected by fertilization.

Soil group #6. Moderately steep soils on uplands (10 to 15 percent slopes). Soils in this group have very severe limitations that restrict their use for agriculture. The choice of plants is restricted and very careful management is required to prevent soil deterioration, protect crops and to maintain crops yields. Soils in this group are generally poorly suited for row crops and small grains. They are suited to pasture and woodland but steep slopes restrict their use for hay crops. Limitations include one or more of the following: slopes of about 10 to 15 percent, shallow rooting depth, low available water capacity and surface stoniness that interferes with tillage. Some sandy soils in this group have low fertility levels that are not easily corrected by fertilization.

Soil group #7. Steep soils on uplands (15+ percent slopes). Soils in this group have very severe limitations that make them unsuited for cultivated crops, small grains, or hay crops. They are suited for pasture only to a limited extent and are used mainly for woodland. Limitations include one or more of the following: slopes greater than 15 percent, shallow rooting depth, low available

water capacity, and surface stoniness that seriously interferes with or prohibits tillage.

Soil group #8. Bottomland soils that are well suited for cultivated crops, hay crops and pasture. Subject to occasional water overflow with only slight damage to crops. Soil wetness is normally correctable by surface drainage. Soils in this group are well suited for woodland.

Soil group #9. Bottomland soils subject to frequent overflow with severe crop damage. Excessive wetness that persists after drainage restricts the use of these soils to mainly pasture and woodland. Woodland growth potential is excellent but equipment limitations and seedling mortality limit intensive forest management.

Soil group #10. Soils in this group have such severe limitations that they are capable of only limited production of vegetative growth. It includes soils that are normally covered with water, soils that are saline, soils that are severely gullied, and have extensive rock outcrops.

(b) The tax assessor shall then use, on and after October 1, 1981, the following formulas and methods to determine the assessed value of each type of Class III property, with respect to which a current use valuation election has been made.

(1) Agricultural Property. The current use standard value for agricultural property in the State shall be determined in the following manner. The owner of agricultural property desiring to elect current use valuation shall submit to the assessor satisfactory evidence indicating the soil group or groups, as defined herein, applicable to the property in question. Such evidence may, with respect to property located in counties for which county-wide soil survey maps are not available from the U. S. Soil Conservation Service, include a soil survey map describing the soils of the property in question prepared by the U. S. Soil Conservation Service or other governmental or private soil mapping agency. The Department of Revenue, utilizing statistics from the Alabama Crop and Livestock Reporting Service, the Alabama Cooperative Extension Service and the Alabama Agricultural Experiment Station, shall determine annually not later than November 15 (except that, for the tax year beginning October 1, 1981, the determination shall be made 30 days after the effective date of this Act), for use in assessing property for taxation as of the immediately preceding October 1, the current use standard value for agricultural property as follows:

(A) The State's top three crops in terms of acreage harvested (not including hay of all types) for the most recent calendar year for which statistics are available shall be determined;

(B) Total crop production in the State of the three crops shall be multiplied by the seasonal average price received for these crops in each of the ten most recent calendar years since 1973 for which statistics are available, and divided by the acreage harvested for each crop for each year, giving the gross return per year per crop (provided, that if corn is determined to be one of the three crops for which such calculation is made, the same formula shall be followed, but utilizing southeastern United States statistics in determining average yields per acre);

(C) From the gross return figures thus obtained, costs of production for each crop (determined for each crop using U. S. Department of Agriculture cost of production data [excluding land costs and general farm overhead costs] or such similar data as may be available to the Department) shall be subtracted, giving the net return to land per year per crop;

(D) The net return per year to land per crop shall be totalled, the total being weighted to give effect to the average number of acres of each crop being harvested in the State in the ten most recent calendar years since 1973 for which statistics are available, such total yielding income flow per acre; and

(E) Income flow per acre shall be capitalized by dividing it by the average of the annual effective interest rates on new federal land bank loans (determined in the same manner as the effective interest rates utilized under section 2032A(e)(7)(A)(ii) of the Internal Revenue Code of 1954, as presently determined pursuant to Regulation Section 20.2032A-4(e) issued by the U. S. Department of the Treasury) charged by the New Orleans District Federal Land Bank for the ten most recent calendar years since 1973 for which figures are available as of October 1 of each tax year, such rate to be reduced by 4.50% for determinations made for the first tax year to which the provisions of this act shall apply; with respect to tax years thereafter, the income flow per acre shall be divided by the average of said annual effective interest rates determined for the ten most recent calendar years since 1973 for which figures are available, such rate to be reduced by the lesser of 4.50% or the difference between such rate and 2%.

The figure obtained using this formula, increased by 20% with respect to property having a productivity rating of Good, decreased by 30% with respect to property having a productivity rating of Poor and by 75% with respect to property having a productivity rating of Non-productive, and unchanged with respect to property having a productivity rating of average, shall be the current use standard values per acre of property in agricultural use in the State with respect to which current use valuation is elected by the owner thereof;

provided, however, that such current use standard values per acre as computed hereunder shall, for the first tax year for which values are computed pursuant to the standard value method provided herein, be computed without utilizing any statistics or interest rates available for the calendar year 1981, and all calculations hereunder for the tax year beginning October 1, 1981, shall be made as if such 1981 statistics and interest rates were not available; and provided further that for each tax year following the first tax year for which values are computed pursuant to the standard value method provided herein, with respect to property of each productivity rating, the current use standard values per acre shall be adjusted so that such standard values shall (a) not be less than 100% of such standard values as computed for the first tax year for which values are computed hereunder, and (b) not be more than 100% of such standard values as computed for the first tax year for which values are computed hereunder plus, with respect to each such value, amounts equal to 3% of such values multiplied by the number of tax years elapsed since the tax year beginning October 1, 1981. Utilizing the Department's determination of standard values, the tax assessor shall enter the standard value or values per acre determined hereunder, multiplied by the number of acres of agricultural property of each productivity rating included in the property with respect to which a current use valuation election is in effect, on his records and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property. In making the annual determination provided for in this subparagraph (1), the statistics utilized by the Department of Revenue shall be (except as otherwise provided herein) those most current statistics available to the Department (including preliminary statistics) at the time such determinations are made as required herein; the determinations so made by the Department shall not be subject to change solely because such statistics are later revised, corrected or otherwise altered by the Alabama Crop and Livestock Reporting Service, the Alabama Cooperative Extension Service, the Alabama Agricultural Experiment Station, the U. S. Department of Agriculture or the New Orleans District Federal Land Bank.

(2) Forest Property. The current use standard value for forest property in the State shall be determined in the following manner. The owner of timberland desiring to elect current use valuation shall submit to the assessor satisfactory evidence indicating the soil group or groups, as defined herein, applicable to the property in question. Such evidence may, with respect to property located in counties for which county-wide soil survey maps are not available from the U. S. Soil Conservation Service, include a soil survey map describing the soils of the property in question prepared by the U. S. Soil Conservation Service or other governmental or private soil mapping

agency. For each calendar year immediately preceding October 1 in each year the Alabama Forestry Commission shall determine the average pulpwood price per cord received by timber growers in the State by estimating the average pine pulpwood price per cord and the average hardwood pulpwood price per cord received in the State during such year and determining the weighted average of those two average prices, weighting those prices on the basis of the ratio that the approximate number of cords of each of those two types of pulpwood harvested in Alabama bears to the total cords of both of such types of pulpwood harvested in Alabama, and provide that information to the Department of Revenue. The Department of Revenue shall utilize timber yields of 1.38 cords per acre per year, 1.05 cords per acre per year, .75 cords per acre per year and .6 cords per acre per year for land having good, average, poor and non-productive productivity ratings respectively to establish annual yields per acre in cords and multiply the yield per acre of timber property of each rating by the average pulpwood price per cord as provided by the Alabama Forestry Commission. From the products thus obtained, 15% thereof shall be subtracted therefrom for expenses of ownership and management, and the result of that subtraction shall equal imputed timberland net income per acre for property of each productivity rating. The imputed net income per acre figures for property of each productivity rating shall then be divided by the average of the annual effective interest rates charged on new federal land bank loans (determined as in subsection (b)(1)(E) of this Section) by the New Orleans District Federal Land Bank for the ten most recent calendar years since 1973 for which figures are available as of October 1 of each tax year, such rate to be reduced by 4.50% for determinations made for the first tax year to which the provisions of this act shall apply; with respect to tax years thereafter, the imputed net income per acre figures shall be divided by the average of said annual effective interest rates for the ten most recent calendar years since 1973 for which figures are available, such rate to be reduced by the lesser of 4.50% or the difference between such rate and 2%. The results thus obtained shall be the current use standard values per acre for property of each of the timber productivity ratings with respect to which current use valuation is elected by the owner thereof; provided, however, that for each tax year following the first tax year for which values are computed hereunder, with respect to property of each productivity rating, the current use standard values per acre shall (a) be adjusted so that such standard values shall not be less than 100% of such standard values as computed for the first tax year for which values are computed hereunder, and (b) not be more than 100% of such standard values as computed for the first tax year for which values are computed hereunder plus, with respect to each such value, amounts equal to 3% of such values

multiplied by the number of tax years elapsed since the tax year beginning October 1, 1981. Utilizing the Department's determination of standard values, the tax assessor shall enter such standard values per acre, multiplied by the number of acres of forest property of each productivity rating with respect to which a current use valuation election is in effect, on his records and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property. In making the annual determinations provided for in this subparagraph (2), the statistics utilized by the Alabama Forestry Commission and the Department of Revenue shall be (except as otherwise provided herein) those most current statistics available to the Commission and the Department (including preliminary statistics) at the time such determinations are made as required herein; the determinations so made by the Commission and the Department shall not be subject to change solely because such statistics are later revised, corrected or otherwise altered by the sources thereof, including the Commission and the New Orleans District Federal Land Bank.

(3) Residential Property and Historic Buildings and Sites. The current use standard values for individual parcels of residential property and historic buildings and sites in each county in the State shall be determined by each county tax assessor annually utilizing comparative fair and reasonable market values of comparable residential or historic building and site property located in the county, which property cannot ordinarily be used other than as residential property or as an historic building or site, the tax assessor to presume that there is no possibility of the property being used for any other purpose than as residential property or an historic building and site, as if there were a legal prohibition against its use for any other purpose. The Department of Revenue shall promulgate appropriate regulations and orders for use by tax assessors in determining such comparable values. The tax assessor shall enter the standard values so determined on his records concerning property with respect to which a current use valuation election is in effect and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property.

(c) Following notice to the owners of Class III property who shall request appraisal of such property at its current use value of the current use values thereof computed using the current use standard values provided for herein, those owners may, within thirty days after receipt of such notice, submit to the assessor a statement outlining any errors asserted by the owner to have been made in such appraisal. The assessor shall review such statement and determine whether the value contained in the appraisal as submitted satisfactorily represents the current use value of the property with respect

to which it is submitted, and he shall promptly forward the statement to the county board of equalization with his written determination and recommendation with respect thereto, for use by the board in carrying out its duties under §40-3-16 and hearing any properly filed objection to the current use valuation of any parcel of property computed using the standard current use value formulas provided in this section. Such objections shall be filed and heard, and final determinations of the board respecting such objections and assessments based on current use value appealed from, in the same manner as that provided in §40-3-19 regarding assessments, and objections filed with respect thereto, based on fair and reasonable market value.

Section 2. Conflicting laws. All laws and parts of laws in conflict with any of the provisions of this Act are hereby expressly repealed or modified to the extent necessary to carry out the provisions of this Act.

Section 3. Severability. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective.

Section 4. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding, on April 20, 1982.

Act No. 82-303 H. 706—Reps. Carothers, Grimsley, Daniels, Williams

AN ACT

To Authorize and make provision for the incorporation in the City of Dothan of the Dothan Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Dothan; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of

interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election;

To require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority; to require compliance with the competitive bid law with respect to any projects receiving public funds; and to require a public hearing prior to the expenditure of any public funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative and Intent. The revitalization and redevelopment of the central business district of the City of Dothan develops and promotes for the public good and general welfare trade, commerce, industry and employment opportunities and promotes the general welfare of the City and State by creating a climate favorable to the location of new industry, trade and commerce, and the development of existing industry, trade and commerce. Revitalization and redevelopment of such central business district by financing projects under the Act will develop and promote for the public good and general welfare trade, commerce, industry and employment opportunities and will promote the general welfare of the City and State. It is therefore in the public interest and is vital to the public welfare of the people of Dothan and of Alabama, and it is hereby declared to be the public purpose of this Act, to so revitalize and redevelop the central business district of the City of Dothan.

Section 2. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

1. "Applicant" means a natural person who files a written application with the Governing Body of the City in accordance with the provisions of Section 4 hereof.

2. "Authority" means the Dothan Downtown Redevelopment Authority, a public corporation organized pursuant to the provisions of this Act.

3. "Authorizing Resolution" means a resolution adopted by the Governing Body of the City in accordance with the provisions of Section 4 hereof, that authorizes the corporation of the Authority.

4. "Board" means the Board of Directors of the Authority.

5. "Bonds" means and shall include bonds, notes and certificates representing an obligation to pay money.

6. "City" means the City of Dothan, Alabama.

7. "Director" means a member of the Board of the Authority.

8. "Downtown Development Area" means the central business district of the City as described in Section 9(b) hereof.

9. "Governing Body" means, with respect to the City, its city council, board of commissioners, or other like governing body.

10. "Incorporators" means the persons forming a public corporation organized pursuant to the provisions of this Act.

11. "Person" unless limited to a natural person by the context in which it is used, includes a public or private corporation, a Municipality, a County, or an agency, department or instrumentality of the State, or of a County or Municipality.

12. "Principal Office" means the place at which the certificate of incorporation and amendments thereto, the by-laws and the minutes of the proceedings of the Board of the Authority are kept.

13. "Project" means interests in land, buildings, structures, facilities or other improvements located or to be located within the Downtown Development Area, and any fixtures, machinery, equipment, furniture or other property of any nature whatsoever used on, in or in connection with any such land, interest in land, building, structure, facility or other improvement, all for the essential public purpose of the development of trade, commerce, industry and employment opportunities in the Downtown Development Area. A project may be for any industrial, commercial, business, office, parking, utility, residential (including without limitation homes, apartments, townhouses, condominiums, hotels and motels) or other use, provided that a majority of the members of the Authority determine, by a resolution duly adopted, that the project and such use thereof would further the public purpose of this Act.

14. "State" means the State of Alabama.

Section 3. Use of Phrases. The following provisions shall be applied wherever appropriate herein:

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth in Section 2 hereof shall be deemed to include both singular and plural and to cover all genders.

Section 4. Filing of Application; Authorization of Incorporation by Governing Body of City. The Authority may be organized pursuant to the provisions of this Act. In order to incorporate such a public corporation, any number of natural persons, not less than three, who are duly qualified electors of the City, shall first file a written application with the Governing Body of the City, which application shall:

(1) Contain a statement that the Applicants propose to incorporate the Authority pursuant to the provisions of this Act;

(2) State the proposed location of the Principal Office of the Authority, which shall be within the corporate limits of the City;

(3) State that each of the Applicants is a duly qualified elector

of the City; and

(4) Request that the Governing Body of the City adopt a resolution declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the Applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the Applicants may consider appropriate. As promptly as may be practicable after the filing of the application with it in accordance with the provisions of this section, the Governing Body of the City shall review the contents of the application, and shall adopt a resolution either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the Applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof. The Governing Body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such Governing Body at which final action upon said application is taken.

Section 5. Procedure to Incorporate; Contents and Execution of Certificate of Incorporation. Within forty (40) days following the adoption of the Authorizing Resolution the Applicants shall proceed to incorporate the Authority by filing for record in the office of the Judge of Probate of Houston County a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

The certificate of incorporation of the Authority shall state:

(1) The names of the persons forming the Authority, and that each of them is a duly qualified elector of the City;

(2) The name of the Authority, which shall be "The Dothan Downtown Redevelopment Authority;"

(3) The period for the duration of the Authority (if the duration is to be perpetual, subject to the provisions of Section 20 hereof, that fact shall be stated);

(4) The name of the City together with the date on which the Governing Body thereof adopted the Authorizing Resolution;

(5) The location of the Principal Office of the Authority, which shall be within the corporate limits of the City;

(6) That the Authority is organized pursuant to the provisions

of this Act; and

(7) Any other matters relating to the Authority that the Incorporators may choose to insert and that are not inconsistent with this Act or with the laws of the State.

The certificate of incorporation shall be signed and acknowledged by the Incorporators before an officer authorized by the laws of the State to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the Governing Body of the City in accordance with the provisions of Section 4 hereof, and (b) a certified copy of the Authorizing Resolution adopted by the Governing Body of the City. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the Authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The Judge of Probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the Authority has been filed for record.

Section 6. Amendments to Certificate of Incorporation. The certificate of incorporation of the Authority incorporated under the provisions of this Act may at any time and from time to time be amended in the manner provided in this section. The Board shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the Board of a resolution proposing an amendment to the certificate of incorporation of the Authority, the chairman of the Board and the secretary of the Authority shall sign and file a written application in the name of and on behalf of the Authority, under its seal, with the Governing Body of the City, requesting such Governing Body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the Board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman may consider appropriate. As promptly as may be practicable after the filing of the said application with the Governing Body of the City pursuant to the foregoing provisions of this section, that Governing Body shall review the said application and shall adopt a resolution either denying the said application or authorizing the proposed amendment. Such Governing Body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said Governing Body at which final action upon the

said application is taken.

Within forty (40) days following the adoption by the Governing Body of the City of a resolution approving the proposed amendment the chairman of the Board of the Authority and the secretary of the Authority shall sign, and file for record in the office of the Judge of Probate of Houston County a certificate in the name of and in behalf of the Authority under its seal reciting the adoption of said respective resolutions by the Board and by the said Governing Body and setting forth the said proposed amendment. The Judge of Probate for such County shall thereupon record such certificate in an appropriate book in his office. When such certificate has been so filed and recorded, such amendment shall become effective and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation of the Authority shall be amended except in the manner provided in this section.

Section 7. Board of Directors. Each Authority shall be governed by a Board of Directors. All powers of the Authority shall be exercised by the Board or pursuant to its authorization. The Board shall consist of seven Directors who shall be elected by the Governing Body of the City for staggered terms as hereinafter provided. The Governing Body of the City shall specify for which term each Director is elected. The initial terms of office of two Directors shall be two years each. The initial terms of office of two Directors shall be four years each. The initial term of office of three Directors shall be six years. Thereafter, the term of office of each such Director shall be six years. If at the expiration of any term of office of any Director, a successor thereto shall not have been elected, then the Director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. If at any time there should be a vacancy on the Board, a successor Director to serve for the unexpired term applicable to such vacancy shall be elected by the Governing Body of the City. No officer or employee of the State or of any County or Municipality shall, during his tenure as such officer, be eligible to serve as a Director. Each Director must be a duly qualified elector of the City. Directors shall be eligible for re-election. Each Director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. Any Director of the Authority may be impeached and removed from office in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in Section 175.

Section 8. Officers of the Authority. The officers of the Authority shall consist of a chairman, vice chairman, secretary, treasurer, and such other officers as its Board shall deem necessary or appropriate. The offices of secretary and treasurer may, but need not, be

held by the same person. The chairman and vice chairman of the Authority shall be elected by the Board from the membership thereof; the secretary, the treasurer, and any other officers of the Authority may, but need not, be members of the Board and shall also be elected by the Board. The chairman, vice chairman, secretary and treasurer of the Authority shall also be the chairman, vice chairman, secretary and treasurer of the Board, respectively.

Prior to receipt by the Authority of any tax revenues from the City, any county, state or federal governments, the treasurer of the Authority shall provide evidence to the governmental entity from which the funds are to be received of procurement of a fidelity bond in an amount equal to or greater than the amount of tax funds to be received and that the company issuing the bond is qualified to issue fidelity bonds in the State of Alabama.

Section 9. Powers of Authority. (a) The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetuity, subject to the provisions of Section 20 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name and to prosecute and defend civil actions in any court having jurisdiction of the subject matter and of the parties;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish one or more Projects, including all real and personal properties which the Board of the Authority may deem necessary in connection therewith, regardless of whether or not any such Projects shall then be in existence;

(6) To lease to others any or all of its Projects and to charge and collect rent therefor, and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof;

(7) To sell, exchange, donate or convey and to grant options to any lessee to acquire any of its Projects and any or all of its properties whenever its Board shall find any such action to be in furtherance of the purposes for which the Authority was organized;

(8) To issue its Bonds for the purpose of carrying out any of its

powers;

(9) To mortgage and pledge any or all of its Projects or any part or parts thereof, as security for the payment of the principal of and interest on any Bonds so issued and any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom or from any thereof;

(10) To execute and deliver, in accordance with the provisions of this section and Section 10 hereof, mortgages and deeds of trust and trust indentures, or either;

(11) To finance (by loan, grant, lease or otherwise), construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate or manage projects and to pay the cost of any project from the proceeds of Bonds, or any other funds of the Authority, or from any contributions or loans by persons, corporations, partnerships (limited or general) or other entities, all of which the Authority is hereby authorized to receive and accept and use;

(12) To issue and use the proceeds thereof for the purpose of paying, or loaning the proceeds thereof to pay all or any part of the cost of any project and otherwise to further or carry out the public purpose of the Authority and to pay all costs of the Authority incident to, or necessary and appropriate to, furthering or carrying out such purpose;

(13) To make application directly or indirectly to any federal, state, county or municipal government or agency or to any other source, public or private, for loans, grants, guarantees or other financial assistance in furtherance of the Authority's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county or municipal government or agency or other source;

(14) To enter into agreements with the federal government or any agency thereof to use the facilities or the services of the federal government or any agency thereof in order to further or carry out the public purposes of the Authority;

(15) To contract for any period with the State of Alabama, State institutions or any city, town, municipality or county of the State for the use by the Authority of any facilities or services of the State or any such State institution, city, town, municipality or county, or for the use by any State institution or any city, town, municipality or county of any facilities or services of the Authority, provided such contracts shall deal with such activities and transactions as the Authority and any such political subdivision with which the Authority contracts are by law authorized to undertake;

(16) To extend credit or make loans to any person, corporation, partnership (limited or general) or other entity for the costs of any Project or any part of the costs of any Project, which credit or loans may be evidenced or secured by loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, assignments or such other instruments, or by rentals, revenues, fees or charges, upon such terms and conditions as the Authority shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds, and, in the exercise of powers granted hereby in connection with any project, the Authority shall have the right and power to require the inclusion in any such loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment or other instrument of such provisions or requirements for guaranty of any obligations, insurance, construction, use, operation, maintenance and financing of a project, and such other terms and conditions, as the Authority may deem necessary or desirable;

(17) To acquire, accept or retain equitable interests, security interests or other interests in any real property, personal property or fixtures by loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, pledge, conveyance, contract, lien, loan agreement or other consensual transfer in order to secure the repayment of any monies loaned or credit extended by the Authority;

(18) To appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including but without limitation to engineers, attorneys, contractors, consultants, and fiscal advisors, as the Board shall deem necessary for the conduct of the business of the Authority;

(19) To provide for such insurance as the Board may deem advisable;

(20) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power expressly granted hereunder;

(21) To require payments in lieu of taxes to be made by the lessee of the Project to either the Authority or the City.

(22) To receive and use the proceeds of any tax levied by a municipal corporation to pay the costs of any project or for any other purpose for which the Authority may use its own funds pursuant to this Act;

(23) To encourage and promote the improvement and revitalization of the Downtown Development Area and to make, contract for or otherwise cause to be made long-range plans or proposals for the Downtown Development Area in cooperation with the City or Houston County;

(24) To exercise any power granted by the laws of the State of Alabama to public or private corporations which is not in conflict with the public purpose of the Authority; and

(25) To do all things necessary or convenient to carry out the powers conferred by this Act.

(b) All Projects of the Authority shall be located wholly within the corporate limits of the City and shall be in the Downtown Development Area, which shall include the following area:

All land lying within the following described boundary: Beginning at the intersection of Montana Street and Montgomery Highway; then southerly along Montana Street to West Main Street; then westerly along West Main Street to South Edgewood Street; then southerly along South Edgewood Street to Fortner Street; then northeasterly along Fortner Street to South Alice Street; then southerly along South Alice Street to West Savannah Street; then easterly along West Savannah Street to South Lena Street; then southerly along South Lena Street to West South Street; then easterly along West South Street to South Foster Street; then easterly along East South Street to the Atlanta-St. Andrews Bay Railway; then northerly along the Atlanta-St. Andrews Bay Railway to East Collins Street; then easterly along Collins Street to Fifth Avenue; then easterly along an extension of the same line to Sixth Avenue; then northerly along Sixth Avenue to East Main Street; then northerly along Plant Street to East Burdeshaw Street; then westerly along East Burdeshaw Street to Shirley Street; then northerly along Shirley Street to Lake Street; then easterly along Lake Street to the Seaboard Coast Line Railroad; then westerly along the Seaboard Coast Line Railroad to Reeves Street; then southerly along Reeves Street to Montgomery Highway; then westerly along Montgomery Highway to Montana Street. Also including the entire widths of the rights of way of the portions of the streets and railroads forming the above described boundary as well as property abutting either side of the rights of way of such streets and railroads.

Section 10. Bonds of Authority. (a) Source of Payment. All Bonds issued by the Authority shall be payable solely out of the revenues and receipts derived from the leasing or sale by the Board of its Projects or of any thereof as may be designated in the proceedings of the Board under which the Bonds shall be authorized to be issued.

(b) Pledge of Revenues, Receipts and Other Security. The principal of and interest on any Bonds issued by the Authority shall be secured by a pledge of the revenues and receipts out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such Bonds all or any part of the property of the Authority from which the revenues or receipts so pledged may be derived.

The resolution under which the Bonds are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the operation, maintenance and insurance of the property covered by said mortgage and deed of trust or trust indenture, the use of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the Board shall deem advisable and which are not in conflict with the provisions of this Act. Each pledge, agreement, mortgage and deed of trust or trust indenture may for the benefit or security of any of the Bonds of the Authority shall continue effective until the principal of and interest on the Bonds for the benefit of which the same were made shall have been fully paid.

In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the Bonds were issued, whether contained in the proceedings authorizing the Bonds or in any mortgage and deed of trust or trust indenture executed as security therefore, the rights of any holder of the Bonds may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

(c) Execution. All Bonds issued by the Authority shall be signed by the chairman of its Board and attested by its secretary, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the Bonds of the Authority shall be signed by the chairman of its Board; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such Bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such Bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of the Board may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(d) General Provisions Respecting Form, Interest Rate, Maturities, Sale and Negotiability of Bonds. Any such Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its Board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board to be most advantageous. The Authority may pay all expenses, premiums and commissions in connection with any financing done by it. All Bonds, except Bonds registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source.

(e) Nature of Obligation and Source of Payment. All obligations created or assumed and all Bonds issued or assumed by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of the State or of any County or of the City; provided that the provisions of this sentence shall not be construed to release the original obligor from liability on any Bond or other obligation assumed by the Authority. Any Bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of its revenues and receipts of the Authority specified in the proceedings authorizing those Bonds.

(f) Eligibility for Investment. Bonds of the Authority are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the State.

Section 11. Proceeds from the Sale of Bonds. All moneys derived from the sale of any Bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized, including, but without limitation to, the use of Bond proceeds to establish reserve funds as security for the payment of the principal of (and premium, if any) and interest on the Bonds, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the Bonds, and (2) except in the case of refunding Bonds, interest to accrue on such Bonds for a period ending not later than two (2) years from their date.

Section 12. Refunding Bonds. Any Bonds issued by the Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding Bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the Bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Bonds to be refunded, any interest to accrue on each Bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Bonds for such refunding. Any refunding Bonds may be sold by the Authority at public or private sale at such price or prices as may be determined by its Board to be most advantageous, or may be exchanged for the Bonds or other obligations to be refunded. Any such refunding Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its Board.

Any refunding Bonds issued by the Authority shall be issued and may be secured in accordance with the provisions of Section 10 of this Act.

Section 13. Notice of Bond Resolution. Upon the adoption by the Board of the Authority of any resolution providing for the issuance of Bonds, such Authority may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published or having a general circulation in the City, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the chairman or secretary of such Authority: "The Dothan Downtown Development Authority, a public corporation under the laws of the State of Alabama, on the_____ day of_____, authorized the issuance of $_____ principal amount of bonds of the said public corporation for purposes authorized in the act of the Legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and the mortgage and deed of trust or trust indenture to secure the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first

publication of this notice." A newspaper shall be deemed to be published in the City, within the meaning of this section, if its principal editorial office is located in the City.

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Bonds referred to in said notice or to contest the validity of any such Bonds, or the validity of any pledge and mortgage and deed of trust or trust indenture made therefor, must be commenced within thirty (30) days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings or of the said Bonds or the said pledge or mortgage and deed of trust or trust indenture shall be asserted, nor shall the validity of the said proceedings, Bonds, pledge, mortgage, and deed of trust or trust indenture be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 14. Exemption from Taxation. The Authority formed under this article, the property and income of the Authority (whether used by it or leased to others), all Bonds issued by the Authority, the income from such Bonds or from any other sources, the interest and other profits from such Bonds enuring to and received by the holders thereof, conveyances by and to the Authority and leases, mortgages and deeds of trust by and to the Authority shall be exempt from all taxation in the State. The Authority shall not be obligated to pay any fees, taxes or costs to the Judge of Probate of Houston County in connection with its incorporation or with any amendment to its certificate of incorporation or otherwise or to any Judge of Probate of any County in connection with the recording by it of any document or otherwise, the Authority being hereby exempted from the payment of any such fees, taxes and costs. No license or excise tax may be imposed by any authority with respect to the privilege of engaging in any of the activities authorized by this article, provided, however, that nothing contained in this section shall be construed to exempt the property of the Authority from any ad valorem taxes levied by the State of Alabama or exempt the Authority from sales and use taxes levied by the State but this proviso shall only apply to such taxes levied by the State and shall not apply to such taxes levied by any county, municipality or other political subdivision.

Section 15. Liability of City. The City shall not in any event be liable for the payment of the principal of or interest on any Bonds of the Authority or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the Authority, and none of the Bonds of the Authority or any of its agreements or obligations shall be construed to consti-

tute an indebtedness of the City within the meaning of any constitutional or statutory provision whatsoever.

Section 16. Exemption from Usury and Interest Laws. The Authority shall be exempt from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as it may at any time be amended.

Section 17. Exemption from Competitive Bid Laws. The Authority and all contracts made by it shall be exempt from the laws of the State of Alabama requiring competitive bids for any contract to be entered into by municipalities or public corporations authorized by them, including, but without limitation to, the provisions of Article 3 of Chapter 16 of Title 41 of the Code of Alabama 1975, as it may at any time be amended;

Provided, however, that the Authority shall comply with the laws of the State of Alabama requiring competitive bids for any contract made by it to be paid for with tax revenues received from the City, any county or the state or federal governments.

Section 18. Freedom of Authority from State Supervision and Control. This Act is intended to aid the State through the furtherance of the purposes of the Act by providing an appropriate and independent instrumentality of the State with full and adequate powers to fulfill its functions. Except as expressly provided in this Act, no proceeding, notice or approval shall be required for the incorporation of the Authority or the amendment of its certificate of incorporation, the issuance of any Bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by the Authority. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of Bonds by the Authority.

The Authority shall hold a public hearing before approving or obligating the expenditure of any tax revenues received by the Authority from the City, any county, the state or federal governments. Such notice shall be advertised in a newspaper of general circulation in Houston County, Alabama and the notice shall be published not less than seven days prior to the hearing.

Section 19. Earnings of the Authority. The Authority shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event a Board shall determine that sufficient provision has been made for the full payment of the expenses, Bonds and other obligations of the Authority, then any net earnings of the Authority thereafter accruing shall be paid

to the City.

Section 20. Dissolution of the Corporation and Vesting of Title to Property in the City. At any time when the Authority has no Bonds or other obligations outstanding, its Board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the Judge of Probate of Houston County, the Authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to the City.

Section 21. Existence of the Authority to Prevent Incorporation of Another by the City. The existence of the Authority incorporated under the provisions of this Act shall prevent the subsequent incorporation hereunder of another Authority pursuant to authority granted by this Act.

Section 22. Power of Eminent Domain. The Authority is hereby granted the power of eminent domain and may exercise such power for the purpose of obtaining real property or any interest therein for any project it undertakes in the manner provided by law for the exercise of the power of eminent domain by municipalities.

Section 23. Loans, Sales, Grants, Etc., of Money, Property, Etc., to Authority by Counties, Municipalities, Etc. For the purpose of effecting the revitalization and redevelopment of the central business district of the City, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this State may, upon such terms and with or without consideration, as it may determine:

(1) Lend or donate money to or perform services for the benefit of the Authority;

(2) Donate, sell, convey, transfer, lease or grant to the Authority, without the necessity of authorization at any election of qualified voters, any property of any kind, any interest therein and any franchise; and

(3) Do any and all things, whether or not specifically authorized in this article and not otherwise prohibited by law, that are necessary or convenient in connection with aiding and cooperating with the Authority in its efforts to revitalize and redevelop the central business district of the City.

Section 24. Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 25. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 26. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1982

Time: 5:30 P.M.

Act No. 82-304 H. 771—Rep. Cobb

AN ACT

To amend Section 1 of Act No. 312, H. 461 of the 1973 Regular Session of the Legislature (Acts 1973, p. 443), relating to branch banking in Marion County, Alabama, so as to provide that any bank in Marion County shall be permitted to branch into any municipality in the county that does not presently have banking facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 312, H. 461 of the 1973 Regular Session of the Legislature (Acts 1973, p. 443), is hereby amended to read as follows:

"Section 1. Any bank situated within any incorporated municipality in Marion County may, with the approval of the state superintendent of banks, establish, maintain and operate branch banks, or additional offices or places of business for the receipt of deposits, payment of checks, making of loans and conducting a general banking business within such incorporated municipality. Provided, however, that any bank in Marion County shall be permitted to branch into any municipality in the county that does not presently have banking facilities."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-305 S. 484—Mr. Kirkland

AN ACT

Relating to Escambia County; providing supplemental fee allowances for constables; and providing for additional court costs.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In criminal cases, each constable of Escambia County shall receive a fee of $5.00 for an arrest when the constable is the arresting officer and $.20 per mile mileage allowance.

(b) The constable shall receive $.20 per mile mileage allowance, when serving papers in civil proceedings at the request of the sheriff, for the actual miles driven in such service.

Section 2. The Escambia County Commission shall supplement the fees in criminal cases already provided by the general law of the state with funds out of the county general fund sufficient to bring said fees and allowances up to the amount provided for in Section 1 hereof.

Section 3. An additional fee of $5.00 shall be paid in all criminal cases in the district and circuit courts of Escambia County to be collected and paid at the same time as docket fees, fines, or other court costs. All funds collected under the provisions of this section shall be paid into the general fund of the county to be used for the fees of constables as provided herein.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-306 S.J.R. 226—Messrs. Callahan, Bailey, Britnell, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John,

Smith, Taylor, B. Teague,
J. Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

MEMORIALIZING CONGRESS TO REINSTATE THE BURIAL ALLOWANCE AFFORDED CERTAIN VETERANS.

WHEREAS, the Legislature of Alabama hereby takes note that the Veterans Administration has eliminated the three hundred dollar burial allowance for certain wartime veterans; and

WHEREAS, the veterans of World War II and the Korean Conflict are reaching the age to be considering the consequences of their advancing age; and

WHEREAS, the majority of these veterans do not receive compensation or pension, and are not in the higher income brackets; and

WHEREAS, the Rehabilitation Commission of the American Legion, Department of Alabama, has recommended the reinstatement of the three hundred dollar burial allowance, retroactive to October 1, 1981, to all veterans previously entitled to this benefit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most urgently memorialize the U. S. Congress to restore the burial allowance to all veterans and that copies of this resolution be sent to each member of the Alabama Congressional Delegation.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-307 S.J.R. 227—Mr. Callahan

SENATE JOINT RESOLUTION

MEMORIALIZING THE CONGRESSIONAL DELEGATION OF THE STATE OF ALABAMA TO OPPOSE ANY CURTAILMENT OF MEDICAL CARE FOR VETERANS.

WHEREAS, the Alabama Legislature notes that the Veterans of World War II will soon be eligible for free medical care in Veterans Administration Hospitals and Medical Centers; and

WHEREAS, the Veterans Administration Administrator, Robert Nimmo, has released to the National Press and had published by local newspapers articles concerning his intention of drawing up plans to be submitted to the U. S. Congress, specific plans to eliminate benefits for all World War II and Koren Veterans relating to hospital

care at age 65 and older in Veterans Hospitals and Medical Centers; and

WHEREAS, this medical care, with no strings attached, is provided by laws already enacted by Congress; and

WHEREAS, that 2.4 million World War II Veterans and 6 million Korean Veterans will become eligible for this free medical treatment at the age of 65 years at Veterans Administration Hospitals and Medical Centers; and

WHEREAS, the VA Administrator does not state that there are at present 3.3 million veterans age 65 years and older now on the VA rolls; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does memorialize the United States Congress to oppose any curtailment of medical care benefits to veterans.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to members of the Alabama Congressional Delegation that they may know of our concern.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-308 H. 308—Rep. Parker

AN ACT

Relating to the city of Chickasaw; providing, after notice is given, for the removal or demolition of buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; providing for a hearing by the governing body upon request; authorizing that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and providing a method of collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the municipality of Chickasaw shall have authority, after notice as provided herein, to move or demolish buildings and structures, or parts of buildings and structures, party walls and foundations when the same are found by the governing body of the city to be unsafe to the extent of being a public nuisance from any cause.

Section 2. The term "appropriate city official" as used in this

Act shall mean any city official or city employee designated by the mayor or other chief executive officer of the city of Chickasaw as the person to exercise the authority and perform the duties delegated by this Act to the "appropriate city official." Whenever the appropriate city official shall find that any building; structure, part of building or structure, party wall or foundation situated in any such city is unsafe to the extent that it is a public nuisance, such official shall give the person or persons, firm, association or corporation last assessing the property for state taxes and all mortgagees of record notice by personally serving upon such person, firm, association, corporation or mortgagee a copy of said notice to remedy the unsafe or dangerous condition of such building or structure, or to demolish the same, within a reasonable time set out in said notice, which time shall be not less than sixty days or suffer such building or structure to be demolished by such city and the cost thereof assessed against the property. In the event that such personal service is returned "Not Found" after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same as required by the immediately preceding sentence, shall also be posted at or within three feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

Section 3. Within the time specified in such notice, but not more than sixty days from the date such notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing before the city governing body, together with his objections to the finding by the appropriate city official that such building or structure is unsafe to the extent of becoming a public nuisance. The filing of such request shall hold in abeyance any action on the finding of such city official until determination thereon is made by such governing body. Upon holding such hearing, which hearing shall be held not less than ten nor more than sixty days after such request, or in the event no hearing is timely requested, the governing body, after the expiration of sixty days from the date such notice is given, shall determine whether or not such building or structure is unsafe to the extent that it is a public nuisance. Notice of such meeting of the governing body, and that such determination will be made thereat, shall be published one time in a newspaper of general circulation in such city, not less than ten days prior thereto. In the event that it is determined by such governing body that such building or structure is unsafe to the extent that it is a public nuisance, the governing body shall order such building or struc-

ture to be demolished. Such demolition may be accomplished by the city by the use of its own forces, or it may provide by contract for such demolition. Such city shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

Any person aggrieved by the decision of the governing body at such hearing may, within thirty days thereafter, appeal to the Circuit Court upon filing with the clerk of said court notice of said appeal and bond for security of costs in the form and amount to be approved by the Circuit Clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the city clerk and said appeal shall be docketed in said court and shall be a preferred case therein. The city clerk shall, upon receiving such notice, file with the Circuit Clerk a copy of the findings and determination of the governing body in proceedings, and trial shall be held without jury upon the determination of the governing body that such building or structure is unsafe to the extent that it is a public nuisance.

Section 4. Upon demolition of such building or structure, the appropriate city official shall make report to the governing body of the cost thereof, and such governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of the demolition; and provided, further, that any person, firm or corporation having an interest in said property may be heard at such meeting as to any objection he may have to the fixing of such costs or the amounts thereof. The city clerk shall give not less than fifteen days notice of the meeting at which the fixing of such costs are to be considered by publication in a newspaper of general circulation in the city of a notice that the governing body at such meeting will consider the fixing of such costs thereat. The fixing of said costs by the governing body shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes, and shall continue in force until paid. The city clerk shall mail a certified copy of the resolution by registered or certified mail to the person last assessing the property for taxes, and a certified copy of such resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of such resolution shall also be filed in the office of the Judge of Probate of Mobile County.

Section 5. The city shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the State, shall not operate to discharge, or in any manner affect the lien of the city for such assessment, but any redemptioner or purchaser at any sale by the State of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the State for the nonpayment of taxes, shall take the same subject to such assessment.

Section 6. Payment of any such assessment shall be made in the manner and as provided for the payment of municipal improvement assessments in the provisions of Section 11-48-48, Code of Alabama 1975, as the same has heretofore or may hereafter be amended, and upon the property owner's failure to pay such assessment the officer designated by the city to collect such assessments shall proceed to collect the assessment as provided in the provisions of Sections 11-48-49 through 11-48-53, Code of Alabama 1975.

Section 7. This Act shall be cumulative in its nature, and in addition to any and all power and authority which any such city may have under any other law.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-309 H. 557—Rep. Reed

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Notasulga, in Macon and Lee Counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the mun-

icipality of Notasulga, in Macon and Lee Counties are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The following described land in Township 18 N, Range 23 E, Macon County, Alabama: The east one-half of Section 1; the east one-half of Section 12, The east one-half of Section 13, The northeast one-quarter of Section 24. The following described land in Township 18 N, Range 24 E, Macon County, Alabama. The north one-half of Section 5; The north one-half of Section 6; The north one-half of Section 19; The north one-half of Section 20; The north one-half of Section 21; The northwest one-fourth of Section 22; The west one-half of Section 15; That part of the west one-half of Section 10 that lies in Macon County.

The following described land in Township 18 N, Range 24 E, Lee County, Alabama; That portion of the west one-half of Section 10 that lies in Lee County; the west one-half of Section 3; The north one-half of Section 4.

Begin at the northeast corner of the west one-half of Section 3, Township 18 north, Range 24 east, Lee County, Alabama; thence go west along the north boundaries of Section 3, Section 4, Section 5, Section 6, The north boundary of the east one-half of Section 1, Township 18 north, Range 23 east, Macon County, Alabama, an aggregate distance of 4 miles; Thence go south along the west boundary of the east one-half of Section 1, Section 12, Section 13 and the west boundary of the northeast one-quarter of Section 24, Township 18, north, Range 23 east, Macon County, Alabama, an aggregate distance of 3.5 miles; thence go east along the south boundary of the northeast one-quarter of Section 24, the south boundary of the north one-half of Section 19, Section 20, Section 21, the south boundary of the northwest one-quarter of Section 22, Township 18 north, Range 24 east, Macon County, Alabama, an aggregate distance of 4 miles; Thence go north along the east boundary of the northwest one-quarter of Section 22, the east boundary of the west one-half of Section 15, Section 10, Section 3 to the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-310 H. 641—Reps. McMillan, Harper (T)

AN ACT

To establish minimum age requirements for admission into Mobile County Public Kindergartens.

Be It Enacted by the Legislature of Alabama:

Section 1. A child who is five years of age on or before October 1 shall be entitled to admission to the Mobile County Public Kindergartens at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under five years of age on October 1 shall not be entitled to admission to such schools during that school year; except that, an underage child who transfers from the public kindergarten of a school in another state may be admitted to school on the prior approval of the Mobile County Board of Education. The aforementioned underage children transferring from the public kindergartens of another state, upon successful completion of the kindergarten in Mobile County Public Schools, will then be allowed admission to the first grade of the Mobile County Public Schools.

Section 2. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-311 H. 661—Reps. Bedsole, Harper (T)

AN ACT

To authorize the Mobile County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Mobile County is authorized, when the need exists, to provide protection against forest fires in Mobile County by participating in the Alabama Forestry

Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) After the Mobile County Commission has determined that such a need does exist in Mobile County, the County Commission may, in the manner hereinafter specified, provide for a financial charge or tax to be paid by the owners of forest lands located in Mobile County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program, but not in excess of ten cents per acre, provided such financial charge or tax is not greater than the benefit accruing to such forest lands due to availability of such fire protection.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which is being used or reserved for such purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

(c) The finance charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes, and the owners of the "Forest lands," as herein defined, shall make report of the same to the Tax Assessor of Mobile County, Alabama, at the time fixed by law for making return of the property of such property owned. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax.

"**Section 3.** The County governing body of Mobile County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Mobile County, to determine the area and owners thereof, and report the same to the Tax Assessor of Mobile County who shall be authorized, after notice by certified mail to such owners, and hearing before the County governing body is to requested by such owners, to place said financial charge or tax against the said forest land as may be determined by the report of such agents or the determination of said County governing body. It shall be the responsibility of the Tax Assessor of Mobile County to establish such rules and regulations as are necessary to administer the provisions of this Act."

"**Section 4.** The tax herein imposed shall be due and payable to the Tax Collector of Mobile County, and shall, when collected, be paid to the Treasurer of Mobile County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Mobile County."

Section 5. The County Commission of Mobile County is au-

thorized to remove such financial charge or tax after said County Commission has determined that the financial charge or tax is no longer needed. The County Commission shall hold public hearings to determine whether or not the financial charge or tax is still needed. Procedures for such public hearings shall be the same as those in Section 3 of this Act.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-312 H. 682—Rep. Harper (T)

AN ACT

To authorize the creation of a public corporation in Bayou La Batre, Mobile County, Alabama, which shall have the power to construct, lease, build, install, acquire, own, operate, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, industrial sites, industrial and factory buildings and the necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; to prescribe the duties and powers of such public corporation, including but not limited to, the power to enter into contracts or agreements with persons, firms or corporations, public or private, with the United States of America or with any of its agents or departments as well as with the various states and the subdivisions and municipal corporations thereof; to authorize the issuance of revenue bonds and revenue refunding bonds payable from the revenues of authorized projects, to pay the cost of such projects; exempting such bonds and the property of the corporation from taxation; and providing that no debt of a state, political subdivision or any municipality thereof shall be incurred in the exercise of any of the powers granted by this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the city of Bayou La Batre, Mobile County, Alabama, is hereby authorized to declare by the adoption of appropriate resolution the need for the formation of a public corporation to carry out the provisions of this act. Upon the adoption of such resolution the governing body of the city of Bayou La Batre shall appoint five persons, each of whom must be a duly qualified

elector and property owner in the city of Bayou La Batre, who shall form the board of directors of such corporation and shall proceed to organize such corporation.

Section 2. The certificate of incorporation of the corporation shall state: the names of the persons forming the corporation, together with the residence of each thereof and a statement that each of them is a duly qualified elector of and property owner in the city of Bayou La Batre; the name of the corporation; the location of its principal office which shall be in the city of Bayou La Batre; and any other matters relating to the corporation which the incorporators may choose to insert and which shall not be inconsistent with this act or with the laws of the state. The name designated for the corporation and the certificate of incorporation shall be one indicating the purpose thereof, such as the "City of Bayou La Batre Port Authority" or some other name of similar import. The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgements of deeds, and the certificate of incorporation shall have attached thereto a certified copy of the resolution provided for in Section 1, and a certificate by the secretary of state that the name proposed for the corporation is not identical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion and uncertainty.

Section 3. The certificates of incorporation with the documents attached shall be filed with the judge of probate of Mobile County and with the secretary of state, who shall forthwith receive and record the same. When such certificate is so filed the corporation referred to therein shall come into existence and shall constitute a public body corporate and politic, vested with the rights and powers herein granted.

Section 4. All powers of the corporation shall be exercised by the board of directors or pursuant to its authority. The directors shall be elected by the governing body of the city of Bayou La Batre for staggered terms of office as follows: two (2) years for the first appointee; three (3) years for the second appointee; four (4) years for the third appointee; five (5) years for the fourth appointee; six (6) years for the fifth appointee; and thereafter the term of office of each director shall be six (6) years. If any director resigns or dies or becomes incapable of acting as a director or ceases to reside in the city or is otherwise disqualified to act, the governing body of the city of Bayou La Batre shall elect a successor to serve for the unexpired term. Directors shall be eligible for re-election to succeed themselves in office. A majority of the members of the board shall constitute a quorum for the transaction of business. The corporation shall have a

president, vice-president, a secretary and a treasurer, but the office of secretary and treasurer may be held by the same person. All officers shall be elected by the board and shall be members of the board. The members of the board and the officers shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties. All proceedings of the board shall be reduced to writing by the secretary of the corporation and recorded in a well-bound book. Copies of such proceedings when certified by the secretary of the corporation shall be received in all courts as evidence of the matters and things therein certified. The corporation shall make to the governing body of the city of Bayou La Batre an annual written report of its activities and of its plans for the future which report shall include a financial operating statement and balance sheet prepared by the examiner of public accounts for the State of Alabama or by a certified public accountant.

Section 5. A corporation organized and established under the provisions of this act shall have the following powers:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business.

(b) To adopt an official seal and alter the same at pleasure.

(c) To maintain a principal office at the city of Bayou La Batre, and sub-offices at such place or places within Mobile County as it may designate.

(d) To sue and be sued in its own name, excepting actions in tort against the corporation.

(e) To construct, lease, build, install, acquire, own, operate, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, industrial and building sites, industrial and factory buildings, and the necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith.

(f) To own, acquire, maintain and control easements, rights of way, streets, approaches, roads, interests in land, including the fee simple title to real property and riparian rights necessary, useful or convenient in gaining access, entry or approach to waterways, rivers and streams, whether or not navigable and whether or not such easements, rights of way, streets, approaches, roads, interests in land and riparian rights lead to property owned or controlled by the corporation.

(g) To acquire, receive, take and hold, whether by purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, and to manage the same, and to develop

any undeveloped property owned, leased, or controlled by it.

(h) To execute such contracts or other instruments and to take such action as may be necessary or convenient to carry out the purpose of this act or the exercise of any authority or power granted hereunder.

(i) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain and repair buildings, structures and facilities suitable for use in or on marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, industrial sites and industrial and factory buildings or for the conduct of any lawful business, at, upon, or adjacent to any property owned or controlled by such corporation and to lease or let such building, structures and facilities, or any one or more of them to such tenant or tenants, for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the corporation may require or approve.

(j) To furnish or supply upon any property owned or controlled by the corporation to persons, machines, automobiles, and watercraft thereon, for reward or compensation, goods, commodities, area facilities and services convenient or useful to the owners, operators and users of watercraft, machines and automobiles and to persons upon property owned or controlled by the authority, including, but not limited to, food, lodging shelter, lawful drinks, confections, reading matter, oil, gasoline, motors and watercraft, motor and watercraft parts and equipment, space in buildings, space for buildings and structures and the services of mechanics, instructors and repairmen.

(k) Charge fees for admission to any of its properties.

(l) To borrow money on such terms as are acceptable to the corporation for any corporate purpose and to execute and deliver its promissory note or notes and such other agreements as may be reasonably necessary or required to consummate the loan and secure the payment of the indebtedness.

(m) To appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the corporation may require, including the power to fix working conditions by general rule and other conditions of employment and at its option to provide a system of disability pay, retirement compensation and pensions or any of them and to hire and fire servants, agents, employees and officers at will.

(n) To fix, establish, collect and alter landing fees, docking fees, tolls, rents and other charges for the use of any facility or other property owned or controlled by the corporation.

(o) To make and enforce rules and regulations governing the use of any property or facility owned or controlled by the corporation.

(p) To provide for such insurance, including use and occupancy insurance as the corporation may deem advisable.

(q) To cooperate with the state, any department or agency of the state, any county, municipality or other political subdivision of the state, or with the United States of America or any of its departments or agencies and to make such contracts with such agencies as the board may deem advisable.

(r) To receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any of its facilities or properties from the United States of America or any agency thereof and from the state, any department or agency thereof, and any political subdivision thereof, and from any municipality, and to receive and accept money, property, labor or other things of value from any source whatever.

Section 6. The corporation shall have the power to borrow money and to issue revenue bonds as evidence of any money borrowed, which bonds shall be payable solely from the revenues derived from the activities and enterprises in which the corporation is hereby authorized to engage. As security for any money so borrowed, together with interest thereon, and any obligations incurred or assumed, the corporation in its discretion may mortgage, pledge or otherwise transfer and convey its real, personal and mixed property, or any part or parts thereof, whether then owned or thereafter acquired, including any franchises then owned or thereafter acquired, and all or any part of the revenues derived from the activities or enterprises in which the corporation is hereby authorized to engage.

When the corporation deems it advisable, convenient, necessary or expedient to issue such bonds, it shall so resolve and all the provisions of said resolution or mortgage and of such convenants and agreements as it may enter into to secure the issuance of such bonds shall constitute valid and legally binding contracts between the corporation and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit or proceedings in any court of competent jurisdiction. The circuit court of Alabama or any court of competent jurisdiction shall have the authority to appoint a receiver for the properties of the corporation upon the terms and conditions specified in the resolution authorizing the issuance of the bonds or in any mortgage securing the payment of the principal and interest thereof. Any mortgage given as security for the payment of said bonds may contain such agreements as the corporation shall

deem advisable respecting the rights and duties of the parties to such instrument or for the benefit of those to whom such instrument is made, including the right to foreclose or to take possession without foreclosure. Revenue bonds issued under the authority of this section may be in such form and tenor, may bear such rate or rates of interest and have such maturities and redemption privileges as the corporation shall determine.

Any bonds so issued may thereafter, from time to time, be refunded by the issuance or sale or exchange of refunding bonds at such times and in such forms and of such tenor, maturities or rate or rates of interest as may be agreed upon by the authority and the holders of the bonds so refunded if such refunding is by exchange, and as may be determined by the corporation, if such refunding is by sale of refunding bonds. Such borrowing may be evidenced by sale of such bonds either at private or public sale, in such manner and from time to time as may be determined by the corporation to be most advantageous, and the corporation may pay all expenses, premiums and commissions which the authority may deem necessary and advantageous in connection with any such financing. All such bonds shall be regarded as negotiable instruments. All such bonds and all instruments executed as security therefor shall be exempt from all taxation under the laws of the State of Alabama. The city of Bayou La Batre shall not in any event be liable for any money so borrowed, nor shall the same be construed to be an indebtedness of such city. The bonds provided for herein shall be issued in the name of the corporation appearing in the certificate filed by the probate judge of the county and said bonds shall be executed in such name by the president, attested by the secretary of the board and thereon shall be impressed or printed the corporate seal. Coupons attached to said bonds may be executed solely by impressing or printing thereon the facsimile signature of the chairman.

Section 7. The contracts of the corporation shall be executed in the name of the corporation by the president of the corporation and attested by the secretary of the corporation. Except for bonds it is not required that the seal be impressed or printed on contracts. It is further provided hereby that, except for bonds, the corporation may provide by resolution for a different form for the execution of contracts and for the execution thereof by an officer or agent other than the president and secretary. But in no event shall a contract, irrespective of the form and of the person executing the same, be binding unless such contract was authorized or ratified by the corporation.

Section 8. Mobile County or the city of Bayou La Batre, or any city within the county, is authorized, but not required, to lease, sell, donate or otherwise convey to the corporation, real or personal pro-

perty, including park properties, without the necessity of authorization by election of the qualified voters of said county, the city, and the governing body of said county or any other city within the county, is hereby authorized to enter into any agreements which such corporation may deem necessary in order to effectuate such lease, sale, donation, or transfer. The governing body of Mobile County, the city of Bayou La Batre, or any other city within the county, is further authorized to covenant with the corporation, which covenant shall likewise constitute a contract with the holders of any revenue bonds, notes or other obligations thereafter issued by the corporation, that it will not acquire, construct or operate or permit the acquisition, construction or operation within the city or county, of any facility in competition with the corporation so long as any of the bonds, notes or other obligation of the corporation shall remain outstanding.

Section 9. No debt, obligation or liability contracted or incurred by the corporation or by any director, officer, employee or agent of the corporation shall be a debt, obligation or liability of the State of Alabama, or of any city, town, county or political subdivision of the State of Alabama.

Section 10. All property of the corporation shall be exempt from state, county and city taxation; and the corporation shall be exempt from license or privilege licenses levied by the state, county or city upon the business or activities conducted or engaged in by said corporation; provided, however, this exemption shall not be construed to exempt concessionaires or lessees of the authority from the payment of any taxes, including licenses, privileges, or sales taxes levied by the state, county or city.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-313 H. 752—Rep. Adams (H)

AN ACT

Relating to Cherokee County; to provide for the construction, repair and maintenance of County Roads as a unit without regard to District or Beat lines.

Be It Enacted by the Legislature of Alabama:

Section 1. County roads in Cherokee County, shall be constructed, repaired and maintained as a unit without regard to District or Beat lines.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-314 H. 778—Rep. Stewart

AN ACT

Relating to Mobile County; amending further section 1 of Act No. 80-342, H. 917, 1980 Regular Session (Acts 1980, p. 464) relating to an idle speed zone for boats on Halls Mill Creek, so as to provide that the Alabama Marine Police shall erect signs to indicate such zone.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 80-342, H. 917, 1980 Regular Session (Acts 1980, p. 464) is hereby amended further to read as follows:

"Section 1. An idle speed zone is hereby established for that portion of Halls Mill Creek beginning at a point approximately five hundred (500) feet upstream from the point where Shadow Wood Ct. would intersect with Halls Mill Creek if Shadow Wood Ct. were extended to the west so that they intersected, and such idle speed zone extending downstream to a point one thousand (1,000) feet to the southeast of the point where Rivier de Chein Ct. would intersect with Halls Mill Creek if Rivier de Chein Ct. were extended to the south so that they intersected. The Alabama Marine Police shall erect signs indicating the idle speed zone and shall supervise such idle speed zone."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-315 H. 791—Rep. Gilmer

AN ACT

Relating to Fayette County; to establish a special fund in the county treasury to pay a bounty to any resident of Fayette County on certain beaver trapped or killed in Fayette County; to provide for the administration of said fund and bounty system; and to prescribe punishment for any person found guilty of falsely making claim for a bounty.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Fayette County shall establish a special beaver fund in the county treasury with an initial deposit of $5,000.00 from the county general fund. Said beaver fund shall be used to pay bounties to any resident of the county in the amount of $10.00 per beaver that is freshly trapped or killed in Fayette County.

Section 2. The payment of a bounty of $10.00 per beaver shall be administered by the senior state conservation officer assigned to Fayette County, who must give an annual accounting and report to the county governing body on the beaver-bounty program in Fayette County. Bounties shall be paid only upon the written authorization of said conservation officer.

Section 3. All claims for bounties must be filed with a conservation officer assigned to Fayette County and the conservation officer shall have due reason to believe that the claimant is a resident of Fayette County and that the beaver trapped or killed were freshly trapped or killed in Fayette County.

Section 4. The conservation officer shall have absolute discretion in paying the bounty provided for in this act and his decision shall be final. Provided, however, any person who falsely makes claim for a bounty is guilty of a Class C felony and, upon conviction, shall be punished as prescribed by law.

Section 5. The county commission shall appropriate such sums annually at the beginning of the fiscal year as shall start the beaver-bounty fund off with $5,000.00 annually.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-316 H. 792—Rep. Gilmer

AN ACT

Relating to Fayette County; to provide for the expense allowance of Board of Education members; to repeal all prior laws providing for the compensation of Board Members; and to provide for the location of board meetings.

Be It Enacted by the Legislature of Alabama:

Section 1. All members of the Fayette County Board of Education, excluding the Superintendent of Education, shall receive $100.00 per month expense allowance and $25.00 for each day's attendance at official meetings of the Board. Said expense allowance shall be in lieu of all other compensation, expense allowance or emoluments previously paid to said Board members. Said expense allowance shall be paid out of the County Department of Education general fund. All Board of Education meetings shall be held in Fayette County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All prior laws which provide for compensation or expense allowance to member of the Fayette County Board of Education, insofar as they conflict with this Act are hereby repealed. All other laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-317 H. 793—Rep. Gilmer

AN ACT

Relating to Fayette County; to provide that 10% of all funds accruing to Fayette County or any municipality therein from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, shall be transferred to the

county education department to be used for additional classroom supplies and equipment and certain capital outlay purposes, and to provide for the method of distributing said money.

Be It Enacted by the Legislature of Alabama:

Section 1. Of the proceeds of the oil and gas severance tax provided by Sections 40-20-1 through 40-20-13, Code of Alabama 1975, which are distributed to the county general fund of Fayette County, or to the general fund of any municipality therein, ten percent (10%) of such proceeds shall be transferred to the county education department and shall be used as follows: five percent (5%) shall be used for classroom supplies and equipment, which shall be in addition to any classroom support provided by the state, and five percent (5%) shall be used for the repair, renovation or new construction of educational buildings or facilities, or for the purchase of new school buses.

The five percent (5%) pledged for school supplies shall be distributed by the County Board of Education to the principal of each public school located within the county on a per student basis.

The principal of each school shall control/distribute said moneys received by the school as follows:

(a) 50% of said money to each teacher based on the number of hours of instruction being presented by the teacher;

(b) 50% of said money shall be expended in the manner selected by a majority vote of the principal, counselors, teachers, coaches and librarian;

(c) Moneys allocated in item (a) can be transferred between teachers as needed by written consent of the teacher losing the funds.

All unspent money allocated under item (a) shall be resubmitted to the principal and the principal shall resubmit the money to the board of education. The teacher shall submit receipts of all expenditures to the principal and the principal shall present the receipts to the board of education. The board of education shall make an accounting of all said money.

All unspent money under item (b) shall be resubmitted by the principal of the school to the board of education. The principal shall present receipts to the board of education for all expenditures. The board of education shall make an accounting of all said money provided in item (a) and (b).

All unspent money returned to the board of education shall be used for repair, renovation or construction of educational buildings or facilities or for the purchase of new school buses.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid of unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-318 H. 795—Rep. Gilmer

AN ACT

Relating to Lamar County; to provide for the expense allowance of board of education members; to repeal all prior laws providing for the compensation of board members; and to provide for the location of board meetings.

Be It Enacted by the Legislature of Alabama:

Section 1. All members of the Lamar County board of education, excluding the superintendent of education, shall receive $100.00 per month expense allowance and $25.00 for each day's attendance at official meetings of the board. Said expense allowance shall be in lieu of all other compensation, expense allowance or emoluments previously paid to said board members. Said expense allowance shall be paid out of the department of education general fund. All board of education meetings shall be held in Lamar County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All prior laws which provide for compensation or expense allowance to members of the Lamar County board of education, insofar as they conflict with this Act are hereby repealed. All other laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-319 H. 797—Rep. Gilmer

AN ACT

Relating to Lamar County; to alter the compensation of the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Lamar County Commission, excluding the probate judge, shall each receive an additional expense allowance in an amount necessary to make their total compensation, including salary and expense allowance, $1,400.00 per month. Said expense allowance shall be paid by warrant drawn on the general fund in the county treasury in a manner provided by law, and shall be in addition to any salary or expense allowance currently provided by law.

Section 2. Effective with the next term of office, all compensation, including salary and expense allowances provided by this act and heretofore provided to the members of the county commission by law shall be converted to salary.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-320 H. 800—Rep. Crow

AN ACT

Relating to Calhoun County; amending Act No. 274, H. 990, Regular Session 1975 (Acts 1975, p. 809), which relates to the civil service board, so as to allow department heads to choose from a greater number of applicants on the list furnished by the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 274, H. 990, Regular Session

1975 (Acts 1975, p. 809), is hereby amended to read as follows:

"Section 2. Whenever said Act No. 384 shall place any rights, duty or obligation on the sheriff or sheriff's department of Calhoun County it shall be treated under the provisions of this current act as if the right, duty or obligation had been placed upon the elected public official in charge of the office or county department affected, and specifically, the tax assessor, tax collector, probate judge, circuit clerk, register in equity, or commissioner of licenses, shall appoint the employees of their respective offices from the list of six candidates furnished by the civil service board and the members of the county governing body shall appoint general county employees, including, but not limited to, the employees of the county road department."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-321 H. 802—Rep. Roberts

AN ACT

Relating to Morgan County; to authorize the county to contract with any municipality within Morgan County and any municipality within Morgan County to contract with Morgan County to lease or sell to each other used equipment and/or other materials or items used or usable by counties and municipalities and to make street signs and sell the same to municipalities all without advertising for bids.

Be It Enacted by the Legislature of Alabama:

Section 1. Morgan County is authorized to lease or sell to any municipality within Morgan County and any municipality within Morgan County is authorized to lease or sell to Morgan County used equipment and/or other materials or items used or usable by counties and municipalities all without advertising for bids.

Section 2. Morgan County is authorized to make and sell street signs to any municipality located within Morgan County without the municipality advertising for bids.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-322 H. 807—Reps. Whatley, Adams (C)

AN ACT

Relating to Russell County; providing for the districts and election of the members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The Russell County board of education shall be composed of seven members elected as follows:

One member shall be elected from each of the board of education districts hereinafter described and shall be a qualified elector thereof, and shall reside in said district. Members representing the six districts shall be elected by the qualified electors residing in each of said districts, and no others shall be allowed to vote in such elections.

One member shall be elected from the county at large and shall be elected by the qualified electors of the county who reside outside the corporate limits of Phenix City.

Section 2. Places on the Russell County board of education shall be as follows:

Place Number One shall be a member elected from the district comprised of Ladonia, Beat 1, Boxes 10 and 11.

Place Number Two shall be a member elected from the district comprised of Ladonia, Beat 1, Boxes 10 and 11.

Place Number Three shall be the member elected from the district comprised of Crawford, Dixie and Uchee, Beats 2, 3 and 4.

Place Number Four shall be the number elected from the district comprised of Hurtsboro, Hatchechubbee Beat 5 and Beat 6.

Place Number Five shall be the member elected from the district comprised of Seale, Cottonton and Pittsview, Beats 7, 9 and 10.

Place Number Six shall be the member elected from the district comprised of Sunderland and Ft. Mitchell, Beat 1, Box 12 and Beat 8.

Place Number Seven shall be the member elected from the county at large.

Section 3. The member in Place Number One shall be elected at the general election in November of 1984, and every six years thereafter; Place Number Two shall be elected at the general election in November 1982, for a term of four years and every six years thereafter; Place Number Three shall be elected at the general election in November 1982, and every six years thereafter; Place Number Four shall be elected at the general election in November 1986, and every six years thereafter; Place Number Five shall be elected at the general election in November 1986, and every six years thereafter; Place Number Six shall be elected at the general election in November 1982, and every six years thereafter; and Place Number Seven shall be elected at the general election in November 1982, for a term of two years, and every six years thereafter.

Section 4. Members of the county board of education who are presently serving shall remain in office until their successors are elected and qualified as provided in Section 3 of this act.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-323 H. 809—Rep. Sasser

AN ACT

Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for service of summoning witnesses and summons and complaints in Henry County so that such service and subpoenas may be by United States mail in the county under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Notices of the requirement of the attendance of jury service in the circuit court of Henry County may be served by first class mail or may be served as provided by the rules of Civil Procedure

and the Code of Alabama 1975. If, in the discretion of the sheriff, the service is made by first class mail, such service shall be made as follows. It shall be the duty of the Sheriff to enclose the summons in an envelope addressed to the person to be served and place all necessary postage and a return address thereon with notice to the postal authorities not to forward outside of the county. In the event said jury summons is returned to the sheriff by the post office department of the United States without delivery, the summons shall be made by the sheriff returned NOT FOUND. All jury summons not returned by said post office department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section in reference to service by mail, however, shall not apply to jury summons returnable before the court instanter, but such summons shall be served only as provided by the rules of Civil Procedure and the Code of Alabama 1975.

Section 2. In the service of summons and complaints or subpoenas requiring the attendance of witnesses in any civil, criminal, equity, or other case or proceeding in either the small claims court, district court or circuit court, and whether civil, criminal, or juvenile, in the county, or before the grand jury of the county may be served by the sheriff or constable personally or by leaving a copy thereof at the place of residence of the witness, or the sheriff may serve the same by placing a copy thereof in the United States mail, certified, return receipt requested, enclosing the subpoena in an envelope properly stamped and addressed to the person or witness to be served. Upon service by the sheriff upon any witness or person by any one of the foregoing methods, the sheriff shall immediately mark the process executed. If the subpoena so mailed is not delivered to the address but is returned to the sheriff by the United States post office department, then the sheriff shall immediately make a diligent effort to serve the subpoena either personally or by leaving a copy thereof at the place of residence of the witness.

Section 3. Anything to the contrary notwithstanding, in Section 2 above, any judge having jurisdiction of the proceeding or case may, on motion of any party or on the court's own motion, order any particular subpoena or the subpoenas in any case or proceeding to be served personally or by leaving a copy thereof at the place of residence of the said witness or person or by United States registered or certified mail.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-324 H. 815—Rep. Reed

AN ACT

Relating to Macon County; to authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Macon County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In any case, action or proceeding hereafter filed, whether at law or in equity in any circuit or district court in Macon County, there is hereby authorized to be charged a tax of one dollar ($1.00) which tax shall be in addition to all other court costs heretofore authorized to be charged. The costs taxed under this act shall be collected as other costs in such cases are collected, and when collected by the clerks or other collecting officers of such courts (including the register of the circuit court) shall be by them paid over to the treasurer or depository of Macon County for deposit in the county treasury. The sums so paid over to the county treasurer or depository shall be maintained in a separate fund in the county treasury, designated as the Macon County law library fund. Such fund shall be administered by a committee composed of five (5) members consisting of the state senator from Macon County, the member of the House of Representatives whose district comprises the largest portion of Macon County, the judge of probate as chairman, one member to be selected from the county bar and one member to be a resident of Macon County. One of the foregoing shall serve a two-year term and one shall serve a three-year term. Thereafter, each shall serve a three-year term. Such terms shall begin on January 1 and terminate on December 31, with one committee member's term ending on December 31, 1984. The initial and subsequent committees shall be appointed by the district and circuit judges of said county. Said committee shall expend funds from the Macon County law library fund for establishing, maintaining, equipping and operating a law library in the courthouse of Macon County, such funds to be expended, in the discretion of the committee, to provide furniture, fixtures, supplies and equipment for the library, and to keep the same in a good state of maintenance and

repair; to establish, enlarge, expand and improve the library and its facilities and equipment; to provide books, reports and periodicals for the library, and to pay the compensation of such personnel as may be necessary and proper, in the opinion of the committee, to operate the library. Said committee shall be authorized to appoint the register or the clerk of the circuit court to be librarian or such other person as the committee deems qualified. The committee herein created shall draw warrants on the county treasury in making expenditures for the purposes contemplated in this act and shall indicate on the warrants the fund against which the warrants are drawn. The said items of costs above referred to shall be designated as law library fees. On or before the tenth day of each month, the clerks or other collecting officers of the respective courts (including the register of the circuit court) shall pay over to the county treasurer or depository all amounts collected as law library fees prior to the first day of the month. The management of the law library is vested in the committee herein created, and all books, periodicals, reports and personal property purchased with the funds produced by this act shall be the property of Macon County, Alabama; provided, however, that said committee may from time to time sell or exchange such books, reports, periodicals and personal property as may be necessary to keep said library up to date and apply the proceeds of the sale thereof upon the purchase of other books, reports, periodicals and personal property for use in said library. Said committee may accept any gift or loan of any books, reports, periodicals and other property for public use in said library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the committee.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-325 H. 817—Rep. Gilmer

AN ACT

Relating to Fayette County; to alter the compensation of the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Fayette County Commission, excluding the probate judge, shall each receive an additional expense allowance in an amount necessary to make their total compensation, including salary and expense allowance, $1,400.00 per month. Said expense allowance shall be paid by warrant drawn on the general fund in the county treasury in a manner provided by law, and shall be in addition to any salary or expense allowance currently provided by law.

Section 2. Effective with the next term of office, all compensation, including salary and expense allowances provided by this act and heretofore provided to the members of the county commission by law shall be converted to salary.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-326 H. 216—Rep. Turner

AN ACT

Relating to Mobile County; to alter or rearrange the boundary lines of the Town of Creola.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Creola, Mobile County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Creola and in addition thereto the following described territory to-wit:

Beginning at the Northeast corner of the present corporate limits

of Creola, Alabama, said point being the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 36, Township 1 South, Range 1 West, run Eastwardly along the North line of the South Half of the South Half of said Section 36 to a point on the St. Stephens Meridian and on the West line of Section 31, Township 1 South, Range 1 East, continue Eastwardly along the North line of the South Half of the South Half of said Section 31 to a point on the West line of Section 32, Township 1 South, Range 1 East; continue Eastwardly along the North line of the South Half of the South Half of said Section 32 to a point on the West line of Grant Section 10, Township 1 South, Range 1 East; continue Eastwardly along a projection of the upper South line of said Section 10 and along said upper South line to a point on the centerline of Mobile River; thence run Southwardly along said centerline to a point on the South line of the North Half of Section 21, Township 2 South, Range 1 East; thence run Westwardly along said South line to a point on the East line of Section 20, Township 2 South, Range 1 East; continue Westwardly along the South line of the North Half of said Section 20 to a point on the East line of Section 19, Township 2 South, Range 1 East; continue Westwardly along the South line of the North Half of said Section 19 to a point on the St. Stephens Meridian and on the East line of Section 24, Township 2 South, Range 1 West; continue Westwardly along the South line of the North Half of said Section 24 to a point on the Eastern margin of Gunnison Creek; thence run Northwardly along said Eastern margin to a point on the North line of said Section 24; thence run Eastwardly along said North line and a projection thereof to a point on the St. Stephens Meridian and on the West line of Grant Section 11, Township 2 South, Range 1 East, said point being the Southeast corner of the present corporate limits of Creola, Alabama; thence run Northwardly along the East line of said present corporate limits to the point of beginning; Less and except the Southeast Quarter of the Southeast Quarter of Section 36, Township 1 South, Range 1 West, Mobile County, Alabama, such lands consisting of 40 acres more or less.

Notwithstanding any provision of this act or any legal description of this section, the following described lands in their entirety are specifically excluded from the operation of this act:

Beginning at the intersection of the centerline of Mobile River with the North line of Section 21, Township 2 South, Range 1 East run Westwardly along said North line to the Northeast corner of Section 20, Township 2 South, Range 1 East; continue Westwardly along the North line of said Section 20 to the Northeast corner of Section 19, Township 2 South, Range 1 East; continue Westwardly along the North line of said Section 19 to a point on the Southeast line of Grant Section 11, Township 2 South, Range 1 East; thence

run Southwardly to a point on the South line of the North half of said Section 19; thence run Eastwardly along said South line to a point on the West line of said Section 20; continue Eastwardly along the South line of the North half of said Section 20 to a point on the West line of said Section 21; continue Eastwardly on the South line of the North half of said Section 21 to a point on said centerline of Mobile River; thence run Northwestwardly along said center line to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-327 H. 798—Rep. Ray

AN ACT

Relating to Barbour County; providing for a salary supplement for the district attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. Immediately upon the effective date of this act, the district attorney may, at the discretion of the county commission, receive a supplemental salary, payable in equal monthly installments from the general fund of Barbour County, in an amount equal to fifteen percent of the prevailing salary paid to circuit judges by the state. Such supplement may be paid in addition to all other supplemental or expense payments heretofore authorized by law for such district attorney.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 21, 1982

Time: 9:30 A.M.

Act No. 82-328 H. 300—Reps. Carothers, Bedsole, Johnson (R. G.), Roberts, Dixon Stout

AN ACT

To provide for the participation by the State of Alabama in the Southeast Interstate Low-Level Radioactive Waste Compact; to provide for the designation of this state's members on the Southeast Interstate Low-Level Radioactive Waste Commission; to provide for the acquisition of property and the operation of a treatment, storage or disposal site; to require a faithful performance bond in the amount of $2,000,000; to create a Radiation Safety Fund; to provide for the collection of fees; appropriates $25,000 from the general fund to the Southeastern Low-Level Radioactive Waste Commission; and provides penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Southeast Interstate Low-Level Radioactive Waste Compact is hereby enacted into law and entered into by the State of Alabama with any and all states legally joining therein in accordance with its terms, in the form substantially as follows:
"SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

"Article I. Policy and Purpose

"There is hereby created the Southeast Interstate Compact. The party states recognize and declare that each state is responsible for providing for the availability of capacity either within or outside the state for the disposal of low-level radioactive waste generated within its borders, except for waste generated as a result of defense activities of the federal government or federal research and development activities. They also recognize that the management of low-level radioactive waste is handled most efficiently on a regional basis. The party states further recognize that the Congress of the United States, by enacting the Low-Level Radioactive Waste Policy Act (P.L. 96-573), has provided for and encouraged the development of low-level radioactive waste compacts as a tool for managing such waste. The party states recognize that the safe and efficient management of low-level radioactive waste generated within the region requires that sufficient capacity to manage such waste be properly provided.

It is the policy of the party states to: enter into a regional low-level radioactive waste management compact for the purpose of providing the instrument and framework for a cooperative effort, provide sufficient facilities for the proper management of low-level radioactive waste generated in the region, promote the health and safety of the region, limit the number of facilities required to effectively and efficiently manage low-level radioactive waste generated in the region, encourage the reduction of the amounts of low-level waste generated in the region, distribute the costs, benefits and obligations of successful low-level radioactive waste management equitable among the party states, and ensure the ecological and economical management of low-level radioactive waste.

Implicit in the Congressional consent to this compact is the expectation by the Congress and the party states that the appropriate federal agencies will actively assist the Compact Commission and the individual party states to this compact by:

1. expeditious enforcement of federal rules, regulations and laws; and

2. imposing sanctions against those found to be in violation of federal rules, regulations and laws; and

3. timely inspection of their licensees to determine their capability to adhere to such rules, regulations and laws; and

4. timely provision of technical assistance to this compact in carrying out their obligations under the Low-Level Radioactive Waste Policy Act as amended.

"Article II. Definitions

"As used in this compact, unless the context clearly requires a different construction:

a. "low-level radioactive waste" or "waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel or by-product material as defined in Section 11e.(2) of the Atomic Energy Act of 1954.

b. "generator" means any person who produces or possesses low-level radioactive waste in the course of or as an incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity. This does not include persons who provide a service to generators by arranging for the collection, transportation, storage or disposal of wastes with respect to such waste generated outside the region.

c. "host state" means any state in which a regional facility is situated or is being developed.

d. "person" means any individual, corporation, business enterprise or other legal entity (either public or private).

e. "facility" means a parcel of land, together with the structures, equipment and improvements thereon or appurtenant thereto, which is used or is being developed for the treatment, storage or disposal of low-level radioactive waste.

f. "regional facility" means a facility as defined in this section which has been designated, authorized, accepted or approved by the Commission to receive waste.

g. "state" means a state of the United States, the District of

Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any other territorial possession of the United States.

h. "party state" means any state which is a signatory party to this compact.

i. "region" means the collective party states.

j. "waste management" means the storage, treatment or disposal of waste.

k. "high-level waste" means irradiated reactor fuel, liquid wastes from reprocessing irradiated reactor fuel and solids into which such liquid wastes have been converted.

l. "transuranic wastes" means waste material containing transuranic elements with contamination levels greater than 10 nanocuries per gram of waste.

m. "Commission" means the Southeast Interstate Low-Level Radioactive Waste Commission.

"Article III. Rights and Obligations

"The rights granted to the party states by this Compact are additional to the rights enjoyed by sovereign states, and nothing in this Compact shall be construed to infringe upon, limit or abridge those rights.

a. Each party state shall have the right to have all wastes generated within its borders managed at regional facilities, and additionally shall have the right of access to facilities made available to the region through agreements entered into by the Commission pursuant to Article IV e. 9. The right of access by a generator within a party state to any regional facility is limited by its adherence to applicable state and federal law and regulation.

b. If no regional facility is located within the borders of a party state and the wastes generated within its borders must therefore be managed at a regional facility in another party state, the party state without such facilities may be required by the host state(s) to provide compensation for such right of access according to terms and conditions established by the host state(s) and approved by a two-thirds vote of the Commission.

c. Each party state shall establish the capability to regulate, license and ensure the maintenance and extended care of any facility within its borders. Host states are responsible for the continued availability, the subsequent post closure observation and maintenance, and the extended institutional control of their regional facilities.

d. Each party state shall establish the capability to enforce any applicable federal or state laws and regulations pertaining to the packaging and transportation of waste generated within or passing through its borders.

e. Each party state shall provide to the Commission on an annual basis, any data and information necessary to the implementation of the Commission's responsibilities. Each party state shall establish the capability to obtain any data and information necessary to meet its obligations herein defined.

f. Each party state shall, to the extent authorized by federal law, require generators within its borders to use the best available waste management technologies and practices to minimize the volumes of wastes requiring disposal.

"Article IV. The Commission

"a. There is hereby created the Southeast Interstate Low-Level Radioactive Waste Commission, hereinafter referred to as "the Commission." The Commission shall consist of two voting members from each party state to be appointed according to the laws of each state. The appointing authorities of each state shall notify the Commission in writing of the identity of its members and any alternates. An alternate may act on behalf of the member only in his absence.

b. Each commission member shall be entitled to one vote. No action of the Commission shall be binding unless a majority of the total membership cast their vote in the affirmative.

c. The Commission shall elect from among its members a presiding officer. The Commission shall adopt and publish, in convenient form, by-laws which are not inconsistent with this compact.

d. The Commission shall meet at least once a year and shall also meet upon the call of the presiding officer, by petition of a majority of the party states, or upon the call of a host state. All meetings of the Commission shall be open to the public.

e. The Commission shall have the following duties and powers:

1. to receive and approve the application of a nonparty state to become an eligible state in accordance with Article VII b.; and,

2. to receive and approve the application of an eligible state to become a party state in accordance with Article VII c.; and

3. to submit an annual report and other communications to the governors and to the presiding officer of each body of the legislature of the party states regarding the activities of the Commission; and

4. to develop and use procedures for determining, consistent with considerations for public health and safety, the type and number of regional facilities which are presently necessary and which are projected to be necessary to manage waste generated within the region; and

5. to provide the party states with reference guidelines for establishing the criteria and procedures for evaluating alternative locations for emergency or permanent regional facilities; and

6. to develop and adopt procedures and criteria for identifying a party state as a host state for a regional facility as determined pursuant to the requirements of this Article.

In developing criteria, the Commission shall consider the following: the health, safety, and welfare of the citizens of the party states; the existence of regional facilities within each party state; the minimization of waste transportation; the volumes and types of wastes generated within each party state; and the environmental, economic, and ecological impacts on the air, land and water resources of the party states.

The Commission shall conduct such hearings; require such reports, studies, evidence and testimony; and do what is required by its approved procedures in order to identify a party state as a host state for a needed regional facility; and

7. in accordance with the procedures and criteria developed pursuant to Section e. 6 of this Article, to designate, by a two-thirds vote, a host state for the establishment of a needed regional facility. The Commission shall not exercise this authority unless the party states have failed to voluntarily pursue the development of such facility. The Commission shall have the authority to revoke the membership of a party state that willfully creates barriers to the siting of a needed regional facility; and

8. to require of and obtain from party states, eligible states seeking to become party states, and non-party states seeking to become eligible states, data and information necessary to the implementation of Commission responsibilities; and

9. notwithstanding any other provision of this compact, to enter into agreements with any person, state, or similar regional body or group of states for the importation of waste into the region and for the right of access to facilities outside the region for waste generated within the region. Such authorization to import requires a two-thirds majority vote of the Commission, including an affirmative vote of both representatives of the host state in which any affected regional facility is located. This shall be done only after an assessment of the affected facilities' capability to handle such wastes; and

10. to appear on behalf of the party states, individually or collectively, as an intervenor or party in interest before any court of law, federal, state or local agency, board or commission that has jurisdiction over the management of wastes. Such authority to intervene or otherwise appear shall be exercised only after a majority vote of the Commission. In order to represent its views, the Commission may arrange for any expert testimony, reports, evidence or other participation as it deems necessary; and

11. to revoke the membership of a party state in accordance with Article VII f.; and

12. to act on behalf of the party states as provided for in this compact.

f. the Commission may establish such advisory committees as it deems necessary for the purpose of advising the Commission on any and all matters pertaining to the management of low-level radioactive waste.

g. the Commission may appoint or contract for and compensate such limited staff necessary to carry out its duties and functions. The staff shall serve at the Commission's pleasure irrespective of the civil service, personnel or other merit laws of any of the party states or the federal government and shall be compensated from funds of the Commission. In selecting the staff, the Commission shall assure that the staff has adequate experience and formal training to carry out such functions as may be assigned to it by the Commission. If the Commission has a headquarters it shall be in a party state.

h. Funding for the Commission shall be provided as follows:

1. each eligible state, upon becoming a party state, shall pay $25,000 to the Commission which shall be used for costs of the Commission's services.

2. each state hosting a regional disposal facility shall annually levy special fees or surcharges on all users of such facility, based upon the volume of wastes disposed of at such facilities, the total of which:

(a) shall be sufficient to cover the annual budget of the Commission; and

(b) shall represent the financial commitments of all party states to the Commission; and

(c) shall be paid to the Commission, provided, however, that each host state collecting such fees or surcharges may retain a portion of the collection sufficient to cover its administrative costs of collection, and that the remainder be sufficient only to cover the approved annual budgets of the Commission.

3. The Commission shall set and approve its first annual budget as soon as practicable after its initial meeting. Host states for disposal facilities shall begin imposition of the special fees and surcharges provided for in this section as soon as practicable after becoming party states, and shall remit to the Commission funds resulting from collection of such special fees and surcharges within 60 days of their receipt.

i. The Commission shall keep accurate accounts of all receipts and disbursements. An independent certified public accountant shall annually audit all receipts and disbursements of Commission funds, and submit an audit report to the Commission. Such audit report shall be made a part of the annual report of the Commission required by Article IV e. 3.

j. The Commission may accept for any of its purposes and functions any and all donations, grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. The nature, amount and condition, if any, attendant upon any donation or grant accepted pursuant to this paragraph together with the identity of the donor, grantor or lendor, shall be detailed in the annual report of the Commission.

k. The Commission shall not be responsible for any costs associated with (1) the creation of any facility; (2) the operation of any facility, (3) the stabilization and closure of any facility, (4) the post-closure observation, and maintenance of any facility, or (5) the extended institutional control, after post-closure observation and maintenance of any facility.

l. As of January 1, 1986 the management of wastes at regional facilities is restricted to wastes generated within the region, and to wastes generated within non-party states when authorized by the Commission pursuant to Article IV e. 9.

m. 1. Except or otherwise provided herein, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act, omission, course of conduct, or on account of any casual or other relationships. Generators, transporters of wastes, owners and operators of sites shall be liable for their acts, omissions, conduct, or relationships in accordance with all laws relating thereto.

2. The Commission herein established is a legal entity separate and distinct from the party states and shall be so liable for its actions. Liabilities of the Commission shall not be deemed liabilities of the party states. Members of the Commission shall not be per-

sonally liable for actions taken by them in their official capacity.

"Article V. Development and Operation of Facilities

"a. Any party state which is the host state for a regional facility shall not be designated by the Compact Commission as a host state for an additional regional facility.

b. A host state desiring to close a regional facility located within its borders may do so only after notifying the Commission in writing of its intention to do so and the reasons therefore. Such notification shall be given to the Commission at least four years prior to the intended date of closure. A host state is not prevented from closing its facility for the health and safety of citizens.

c. Each party state designated as a host for a regional facility shall take appropriate steps to ensure that an application for a license to construct and operate a facility of the designated type is filed with and issued by the appropriate authority.

d. No party state shall have any form of arbitrary prohibition on the treatment, storage or disposal of low-level radioactive waste within its borders.

"Article VI. Other Laws and Regulations

"a. Nothing in this compact shall be construed to:

1. abrogate or limit the applicability of any act of Congress or diminish or otherwise impair the jurisdiction of any federal agency expressly conferred thereon by the Congress;

2. make inapplicable to any person or circumstance any other law of a party state which is not inconsistent with this compact;

3. make unlawful the continued development and operation of any facility already licensed for development or operation on the date this compact becomes effective, except that any such facility shall comply with Article III, Article IV and Article V and shall be subject to any action lawfully taken pursuant thereto;

4. prohibit any storage or treatment of waste by the generator on its own premises;

5. affect any judicial proceeding pending on the effective date of this compact.

6. alter the relations between, and the respective internal responsibilities of, the government of a party state and its subdivisions; and

7. affect the generation, treatment, storage or disposal of waste

generated by the atomic energy defense activities of the Secretary of the U. S. Department of Energy or Federal research and development activities as defined in P.L. 96-573;

8. affect the rights and powers of any party state and its political subdivisions to regulate and license any facility within its borders or to affect the rights and powers of any party state and its political subdivisions to tax or impose fees on the waste managed at any facility within its borders.

b. No party state shall pass any law or adopt any regulation which is inconsistent with this compact, without jeopardizing its membership status.

c. No law or regulation of a party state or of any subdivision or instrumentality thereof may be applied so as to restrict or make more inconvenient access to any regional facility by the generators of another party state than for the generators of the state where the facility is situated.

d. Restrictions of waste management at regional facilities pursuant to Article IV 1. shall be enforceable as a matter of state law.

"Article VII. Eligible Parties, Withdrawal, Revocation, Entry Into Force, Termination

"a. This compact shall have as initially eligible parties the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee.

b. Any state not expressly declared eligible to become a party state to this compact in section a. of this article may petition the Commission, once constituted, to be declared eligible. The Commission may establish such conditions as it deems necessary and appropriate to be met by a state wishing to become eligible to become a party state to this compact pursuant to the provisions of this section. Upon satisfactorily meeting such conditions and upon the affirmative vote of two-thirds of the Commission, including the affirmative vote of both representatives of the host states in which any affected regional facility is located, the petitioning state shall be eligible to become a party state to this compact and may become a party state in the same manner as those states declared eligible in section a. of this article.

c. Each state eligible to become a party state to this compact shall be declared a party state upon enactment of this compact into law by the state and upon payment of the fees required by Article IV(h)(1). The Commission shall be the sole judge of the qualifications of the party states and of its members and of their compliance with the conditions and requirements of this compact

and the laws of the party states relating to the enactment of this compact.

d. 1. The first three states eligible to become party states to this compact which enact this compact into law and appropriate the fees required by Article IV h. 1. shall immediately, upon the appointment of their Commission members, constitute themselves as the Southeast Low-Level Radioactive Waste Commission, shall cause legislation to be introduced in the Congress which grants the consent of the Congress to this compact, and shall do those things necessary to organize the Commission and implement the provisions of this compact.

2. All succeeding states eligible to become party states to this compact shall be declared party states pursuant to the provisions of section c. of this article.

3. The consent of the Congress shall be required for full implementation of this compact. The Congress may by law withdraw its consent only every five years.

e. No state which holds membership in any other regional compact for the management of low-level radioactive waste may be considered by the Compact Commission for eligible state status or party state status.

f. Any party state which fails to comply with the provisions of this compact or to fulfill the obligations incurred by becoming a party state to this compact may be subject to sanctions by the Commission, including suspension of its rights under this compact, and revocation of its status as a party state. Any sanction shall be imposed only upon the affirmative vote of at least two-thirds of the Commission members. Revocation of party state status shall take effect one year from the date of the meeting at which the Commission approves the resolution imposing such sanction. Rights and obligations incurred by being declared a party state to this compact shall continue until the effective date of the sanction imposed or as provided in the resolution of the Commission imposing the sanction.

The Commission shall, as soon as practicable after the meeting at which a resolution revoking status as a party state is approved, provide written notice of the action along with a copy of the resolution to the governors, the presidents of the senates, and the speakers of the houses of representatives of the party states, as well as chairmen of the appropriate committees of the Congress.

g. Any party state may withdraw from this compact by enacting a law repealing the compact, provided that if a regional facility is located within such state, such regional facility shall remain available

to the region for four years after the date the Commission receives notification in writing from the governor of such party state of the recission of the compact. The Commission, upon receipt of the notification, shall, as soon as practicable, provide copies of such notification to the governors, the presidents of the senates, and the speakers of the houses of representatives of the party states, as well as the chairmen of the appropriate committees of the Congress.

h. This compact may be terminated only by the affirmative action of the Congress or by the recission of all laws enacting the compact in each party states.

"Article VIII. Severability and Construction

"The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If any provision of this compact shall be held contrary to the Constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters. The provisions of this compact shall be liberally construed to give effect to the purposes thereof.

"Article IX. Penalties

"a. Each party state, consistently with its own law, shall prescribe and enforce penalties against any person not an official of another state for violation of any provision of this compact.

b. Each party state acknowledges that the receipt by a host state of waste packaged or transported in violation of applicable laws and regulations can result in imposition of sanctions by the host state which may include suspension or revocation of the violator's right of access to the facility in the host state.

Section 2. The Director of the Division of Radiological Health and the Director of the Department of Energy shall serve as members of the Southeast Interstate Low-Level Radioactive Waste Commission. As directors of departments or agencies of this state, they may designate a subordinate officer or employee of their department or agency to serve in his stead as permitted by Article IV (a) of the compact.

Section 3. The Department of Energy may accept gifts or grants of title to real property for establishing a low-level radioactive waste disposal site. Further, upon the determination by the Governor

of the existence of a need for a site by Alabama citizens within the next five years, the Department of Energy may acquire title to real property by purchase, condemnation, or otherwise for the establishment of a low-level radioactive waste site. Such need may include designation of the State of Alabama as a host state for a low-level radioactive treatment, storage or disposal site by the Southeast Low-Level Radioactive Waste Commission.

Section 4. a. The Alabama Department of Energy is authorized to operate a treatment, storage or disposal site for low-level radioactive wastes pursuant to any license issued by the Radiation Control Agency.

The Alabama Department of Energy is authorized to charge each user of any licensed site within the state that users proportionate share of the costs for handling of the wastes. These costs shall be paid on the basis of a fee per volume of wastes received at each site. Such fee shall be paid to the Department of Energy and may include, but not be limited to costs of:

1. operating fund (as hereinafter provided for), including: labor and equipment, liability insurance, contingency costs, licensing and inspection fees of the Radiation Control Agency for operation of the site;

2. perpetual cost fund costs (as hereinafter provided for);

3. operating fund (as hereinafter provided for);

4. state and county royalty fees (as hereinafter provided for); and

5. fees due for the Southeast Low-Level Radioactive Waste Commission.

If the Department should collect more funds than costs, it may reduce the charges for the next year. The Department of Energy may not conduct any operations except in compliance with Title 22, Chapter 14, Code of Alabama.

b. The Alabama Department of Energy may lease and/or contract with any qualified person to operate and dispose of low-level radioactive wastes on land owned by the Department of Energy and, if appropriate, using equipment owned by the Alabama Department of Energy. Any lease and/or contract shall provide for the payment of the Alabama Department of Energy for at least the following: State and county royalty fees as hereinafter provided for, and a perpetual care fund hereinafter provided for. Further, the lease or contract shall provide for payment or establishment of the following: all licensing and inspection fees due the Radiation Control Agency,

a faithful performance bond in the amount of $2,000,000 to assure that adequate funds are available to close the site should the operator prematurely cease activities, 10 cents per cubic foot for the Alabama Department of Energy's administrative costs, a surety bond, liability insurance, and any fees due to the Southeast Low-Level Radioactive Waste Commission. No contract and/or lease shall authorize the disposal of radioactive material until a license authorizing such is issued by the Radiation Control Agency to the contractor-leasor. Any contract or lease shall require the contractor-leasor to comply with the requirements of Title 22, Chapter 14, Code of Alabama.

Section 5. (a) There is hereby created a Radiation Safety Fund into which the State Treasurer shall deposit the licensing, application, and inspection fee of the Radiation Control Agency. The Radiation Control Agency is authorized to collect for deposit into the Radiation Safety Fund application, licensing and inspection fees equal to 75% of those fees charged by the U.S. Nuclear Regulatory Commission for issuing similar licenses. This authority applies only to the specific licenses issued by the Radiation Control Agency. The funds available in the Radiation Safety Funds are appropriated to the State Health Department for the purposes of Title 22, Chapter 14, Code of Alabama. The moneys in this fund may be carried over from one fiscal year to the next provided that any unencumbered funds in excess of $100,000 on September 30 of each year shall revert to the State of Alabama general fund.

b. The Alabama Department of Energy is authorized to collect fees which cover at least the costs listed in Section 4, a, of this act. The revenue generated from these funds shall be disbursed by the Alabama Department of Energy in a perpetual care fund, an operating fund, a compact commission fund and for royalty fees as described herein. The proportion of the fee required for the first year of operation costs and/or the perpetual care fund costs shall be based on projections obtained from existing facilities. Charges in the following years will be based on costs for previous years of in-state operation. In the event that the Alabama Department of Energy contracts or leases the disposal site operations, the contractor-leasor shall pay such fees by the 15th of the following month. Further, the contractor-leasor shall post with the Alabama Department of Energy a surety bond of $200,000 to assure proper accounting of these funds.

1. A percentage shall be deposited with the State Treasurer in a Low-Level Radioactive Waste Perpetual Care Fund, the interest of which shall be used by the Alabama Department of Energy to pay the costs of monitoring and maintaining sites for at least 100 years after closure. The amount of this cost shall be based on projections from existing facilities such as the Barnwell, South Carolina

facility. The State Treasurer shall deposit or invest these funds in banks, U.S. Treasury bills or other equivalent, the interest from such investments to be reinvested in this account. Upon certification by the Governor, Lieutenant Governor, and the Speaker of the House, of need related to low-level radioactive waste disposal, portions of the principal may be expended as necessary to protect the public health and safety.

2. A percentage shall be deposited with the State Treasurer in a Low-Level Radioactive Waste Operating Fund, to be used by the Alabama Department of Energy in assuring safe operation of any disposal site, including administration of sites operated by contractors or leasors. The amount of this cost in the first year shall be based on projections from currently operating facilities. In the future years the charges will be based on costs for actual in-state operation in past years. The moneys in this fund may be carried over from one fiscal year to the next provided that all unencumbered funds in excess of $300,000 on September 30 of each year shall revert to the State of Alabama general fund. In the event of determination by the Governor of the existence of need of a low-level radioactive waste site in Alabama, the Alabama Legislature may appropriate funds to the Alabama Department of Energy which may be necessary for site selection, purchase and development.

3. A percentage shall be deposited with the State Treasurer in the Southeast Low-Level Radioactive Waste Compact Commission Fund. This fund shall be used by the Alabama Department of Energy to pay Alabama's proportionate share of the annual budget of the Commission as provided in Section 1, Article IV, h 2 and 3 of this act. The moneys in this fund may be carried over from one fiscal year to the next provided that any unencumbered funds in excess of $50,000 on September 30 of each year shall revert to the Low-Level Radioactive Waste Operating Fund.

4. Royalty fees shall be collected by the Alabama Department of Energy on each cubic foot of waste handled at the state sites. Ten cents per cubic foot shall be paid into the State of Alabama General Fund and up to five cents per cubic foot shall be paid to the county in which the site is located.

c. There is hereby appropriated from the general fund $25,000 to the Southeast Low-Level Radioactive Waste Commission upon confirmation that Alabama is a party state as defined in the compact.

Section 6. The Radiation Control Agency may delegate to other agencies by Memorandum of Understanding all or part of their authority to stop, inspect, and enforce radiation safety regulations relating to the transport of low-level radioactive wastes.

Section 7. All departments, agencies and officers of this state and its political subdivisions are hereby authorized to cooperate with the Southeast Interstate Low-Level Radioactive Waste Commission in the furtherance of any of its activities pursuant to the Compact.

Section 8. Penalties.

a. The Radiation Control Agency shall issue an Order prohibiting the use of sources of ionizing radiation by any person who receives, possesses, uses, or services a source of ionizing radiation for a fee is required pursuant to Section 5 of this Act and fails to pay the fee within 45 days of being informed the fee is due.

b. In addition to the Order provided for in Subsection (a) of this section, the Radiation Control Agency, without further notice, may impound or seize any source of ionizing radiation and any shielding required for safe handling for which an Order prohibiting its use has been issued pursuant to said Subsection (a). The person owing the fee required by this Act shall also be required to pay any actual costs incurred by the Radiation Control Agency in the removal and storage of the impounded or seized source of ionizing radiation.

c. Upon payment of any required fees, penalties, removal, court and/or storage costs any order prohibiting the use of the source of ionizing radiation or impoundment or seizure issued or executed pursuant to Subsections (a) and (b) of this Section shall be voided and the source of ionizing radiation shall be released to the licensee at the place where the source is being held by the Radiation Control Agency or Court. The Radiation Control Agency shall not be liable for damages to any source of ionizing radiation and any associated shielding and equipment.

d. One year after seizing or impounding a source of ionizing radiation any associated shielding and equipment, the Radiation Control Agency may release the equipment to the Director of the Department of Finance for public auction as surplus equipment. The revenue derived shall be paid into the Radiation Safety Fund up to that amount specified in Subsection (c) of this Section, and any additional revenues shall be paid (1) to the person owning the source or ionizing radiation, or (2) to the person owing the fee. The Radiation Control Agency may limit the bidders on the equipment to those persons who are registered or licensed to possess the equipment.

e. In addition, a fine not to exceed $5,000 may be imposed by a court of competent jurisdiction on any person who violates this Act.

Section 9. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. The provisions of this Act shall become effective at such time as three of the party states to the Southeast Interstate Low-Level Radioactive Waste Compact approve substantially the same compact as provided for in this Act and the Congress of the United States consents to the Compact.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-329 S. 546—Messrs. Britnell and Denton

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relating to court costs and the compensation of the judge of probate of Franklin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

The legislature may, by general or local laws, fix, alter, and regulate the costs and charges of court and the fees, commissions, percentages, allowances, and salary, including the method or basis of his compensation, to be charged or received by the judge of probate of Franklin County, and may place the judge of probate on a salary and provide that the fees, commissions, percentages, and allowances collected by the judge of probate shall be paid into the county treasury from which his salary shall be paid. The provisions of this constitutional amendment shall not be implemented in Franklin County until implementation is approved by a vote of a majority of the qualified electors of Franklin County voting in an election called by the county governing body to determine said issue; provided, however, that if a majority of the qualified electors of Franklin County who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general or primary election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions

of Sections 284 and 285 of the Constitution of Alabama of 1901, and Sections 17-17-1 through 17-17-6, Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the Senate April 15, 1982

Passed the House April 26, 1982

Act No. 82-330 S. 468—Mr. Callahan

AN ACT

Proposing an amendment to the Constitution of Alabama prescribing certain procedures that will allow proposed constitutional amendments which affect or apply to only one county to be adopted as an amendment to the constitution by a majority vote of the people of the county affected, provided that such proposed amendment has first been unanimously approved by at least a three-fifths vote of the elected members of each house and unanimously approved by a local constitutional amendment commission and then subsequently approved by a majority of the electors in the county affected.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors of the state voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

Any proposed constitutional amendment which affects or applies to only one county shall be adopted as a valid part of the constitution by a majority vote of the people of the county and in any political subdivision thereof so affected, provided that such proposed amendment has first been unanimously approved by at least a three-fifths vote of the elected members of each house and unanimously approved by a local constitutional amendment commission composed of the Governor, Lieutenant Governor, Attorney General, Secretary of State and Speaker of the House of Representatives and notice of such election, together with the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be

published once a week for four successive weeks next preceeding the day appointed for the election in each newspaper qualified to run legal notices in the county affected. The proposed local constitutional amendment shall then be approved by a majority vote of the qualified electors of the county and in any political subdivision thereof affected by such proposed amendment voting in a referendum election held for the purpose of determining if such proposed amendment shall become adopted as a valid part of the constitution.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the Senate as Amended April 13, 1982

Passed the House as Substituted April 26, 1982

Senate Concurred in House Amendment April 26, 1982

Act No. 82-331 H. 616—Rep. Dial

AN ACT

Proposing an amendment to the Constitution of Alabama authorizing the legislature, by resolution, to designate a suitable place for the meeting and transacting of business of the legislature in the event it becomes necessary or desirable to repair, renovate, restore, construct or reconstruct the Capitol.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

In the event the legislature determines it to be necessary or desirable that the Capitol be repaired, renovated, restored, constructed or reconstructed, the legislature, by resolution, shall designate and provide a suitable place for the meeting of the legislature and the transacting of business of the legislative department. Such place shall be designated and known as the Alabama State House.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House April 1, 1982

Passed the Senate April 26, 1982

Act No. 82-332 S. 110—Mr. White

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officials in the various counties of the State charged with the assessing and collecting of ad valorem taxes, and providing for the combining or abolishing of said offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and proclaimed as prescribed by law.

CONSTITUTIONAL AMENDMENT

The Legislature may, from time to time, by general or local law applicable to the various counties of this State, establish the salaries,

fees, commissions or allowances to be charged or received by the tax assessors, tax collectors, license commissioners, revenue commissioners or other officials charged with the assessing and collecting of ad valorem taxes in the various counties of this State, including changing the method and basis of their compensation; and may place any or all of such officials on a salary and further provide for disposition of the fees, commissions, allowances or other compensation theretofore paid to such officials; and may provide that the salaries of such officials may be paid from the ad valorem taxes assessed and collected by them on a pro rata basis from the various funds receiving such ad valorem taxes; provided, however, that following the effective date of any general law passed pursuant to this constitutional amendment, the legislature may not thereafter either increase or decrease the salaries of such officials during any term for which such officials have been elected or appointed, and in the case of such officials who were converted from a fee basis to a salary basis of compensation, the legislature may not decrease the salaries of such officials during any term for which such officials have been elected or appointed or may be thereafter re-elected or re-appointed. The legislature may by local act provide for the abolishment, combination or other alteration of the offices of tax assessor, tax collector or license commissioner with approval of a majority of voters in the county affected.

In the event this amendment is approved and subsequently ratified by the qualified electors of this State who vote thereon when it is submitted, then any law theretofore passed by the Legislature addressing the subject matter covered by this amendment shall become effective according to the provisions of said law.

Section 2. An election upon this proposed amendment is ordered to be held at the first general, special or primary election after the expiration of ninety (90) days from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published for four (4) successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county for four (4) successive weeks next preceding the day appointed for the election.

CONSTITUTIONAL AMENDMENT

Passed the Senate as Amended April 8, 1982

Passed the House as Amended April 26, 1982

Senate Concurred in House Amendment April 26, 1982

Act No. 82-333 S. 502—Mr. Weeks

AN ACT

Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges and fees in court costs in Pike County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of 1901 is proposed and shall become valid as a part thereof when approved and proclaimed as provided by law:

PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws applicable to or operative in Pike County, place the judge of probate on a salary and provide for the disposition of such charges, costs, fees, commissions, allowances, and percentages collectible by such official.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general or special election at least three months next succeeding the adjournment of the current session of the legislature, and as provided by this section. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

This act shall become effective upon the adoption of this amendment to the Constitution of Alabama of 1901; provided, however, that the provisions of this amendment shall not become operative in Pike County unless approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. Such election may be called no more frequently than every two years; provided further, that if this amendment is approved or defeated by a majority of the qualified electors of Pike County who vote thereon upon its submission, such election shall constitute a referendum election held for such purpose and no further election need be called.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the Senate April 15, 1982

Passed the House as Amended April 26, 1982

Passed the Senate as Amended by Conference Committee Report, April 26, 1982

Passed the House as Amended by Conference Committee Report, April 26, 1982

Act No. 82-334 H. 659—Rep. Hammett

AN ACT

To add a Subsection 4 to Section 11-54-80 of the Code of Alabama of 1975, as amended, to include hydroelectric utility facilities in the definition of projects qualifying to be financed through Industrial Development Boards.

Be It Enacted by the Legislature of Alabama:

There shall be substituted for Section 11-54-80 of the Code of Alabama 1975, as previously amended, the following:

"Section 1. Definitions. Wherever used in this article, unless a different meaning clearly appears in the context, the following terms shall be given the following respective meanings:

"(1) Industrial Development Board or Board. Any industrial development board organized pursuant to the provisions of this article.

"(2) Municipality. Any incorporated city or town in this state with respect to which an industrial development board may be organized.

"(3) Project.

"a. Any land and any building or other improvement thereon and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable

for use by the following or by any combination of two or more thereof:

"1. Any industry for the manufacturing, processing or assembling of any agricultural, manufactured or mineral products;

"2. Any commercial enterprise in storing, warehousing or distributing any products of agriculture, mining or industry; and,

"3. Any enterprise for the purpose of research in connection with:

"i. Any of the foregoing;

"ii. The development of new products or new processes;

"iii. The improvement of existing products or known processes; or,

"iv. The development of facilities for the exploration of outer space or promotion of the national defense;

"4. Any utility for the production of electricity by water power;

provided, that, except in connection with a project described in subsection (3)a.4. above, a "project" does not include facilities designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities.

"b. A project may consist of or include any facility necessary or appropriate for use by any industry or enterprise of the character described in the first sentence of this subdivision, including, without limiting the generality of the foregoing:

"1. Office facilities designed for use by any such industry or enterprise not only in connection with its operation in this state, but also for use by it as national, regional or divisional offices in the management and supervision of its manufacturing, processing, assembling, storing, warehousing, distributing, selling or research operation, wherever located; and

"2. Facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

"(4) Governing Body. The board or body in which the general legislative powers of the municipality are vested."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 23, 1982

Time: 4:00 P.M.

Act No. 82-335 H. 801—Rep. Roberts

AN ACT

Relating to Morgan County; to provide for the adoption and publication of certain motor vehicle weights and limits, which shall be deemed as adequate notice for purposes of penalizing offenders.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the provisions of Section 32-9-20, subsection h, Code of Alabama 1975, the governing body of Morgan County, by resolution may authorize limitations and weights which are of smaller dimensions than those prescribed by Chapter 9 of Title 20, Code of Alabama 1975, for trucks and other motor vehicles operating upon county roads.

Section 2. Any weights or limits adopted pursuant to Section 1 of this Act shall be published in a newspaper having county-wide circulation once a week for four successive weeks and a certified copy of the adopted weights or limits shall be prominently displayed in the county courthouse. The newspaper publication shall appear annually, and at any other time the weights or limits are changed. Any change in the limits or weights shall also be displayed in the courthouse as above provided.

Section 3. The publication and posting of weights and limits as provided in Section 2 hereof shall be deemed adequate and proper notice for purposes of arrest and conviction of offenders. The penalty for violations shall be as prescribed by the general laws of the state.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1982

Time: 4:00 P.M.

Act No. 82-336 S. 89—Mr. Hilliard

AN ACT

To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, also known

as the Mayor-Council Act of 1955, so as to provide, in addition to staff otherwise provided by law, for six members of the Mayor's staff not subject to any merit system, and to provide how the maximum salary of such staff assistants shall be determined by the Major, and for the protection of salary and other rights of merit system employees appointed hereunder, and for the inclusion of appointees in the general pension system of the municipality upon application for such membership within thirty (30) days of appointment.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 4.06(9) of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, be and said Section 4.06(9) is hereby amended to read as follows:

"4.06(9) Employ as members of his staff as many as six (6) persons for and on behalf of said city to assist the Mayor and perform such duties relating to the Mayor as the Mayor may assign. Each such employee shall serve at the pleasure of the Mayor at such compensation as the Mayor may set provided the salary paid shall not exceed $27,000.00. Such staff members shall not be under any merit or civil service system, but, should a member of the classified service under any merit or civil service system applicable to the city be appointed hereunder, the provisions of this section notwithstanding, he may be paid at the salary established for his classification at the time of appointment and such person shall not lose any rights under such merit or civil service system by reason of his appointment hereunder, and shall, upon termination of service on the Mayor's staff, have the right to return to the classified service, with full credit for time served on the Mayor's staff, at the same or higher classification as that held upon appointment hereunder. Each such employee shall by reason of such employment become a member of the pension system covering the general employees of the city, if there be such a system, to the same extent and in the same manner as other general employees of the city, provided such employee apply to the board or other authority administering such pension system within thirty (30) days of appointment; otherwise, such employee shall not be a member of the system. This section shall not limit the authority of the Mayor to appoint other staff under the merit system or as otherwise authorized by law."

Section 2. No person employed in one of these positions shall run for elected office while so employed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 23, 1982

Time: 9:00 P.M.

Act No. 82-337 H. 751—Rep. Sandusky

AN ACT

To Amend Section Five of Act No. 651, H. 377, Regular Session 1975 (Acts 1975, P. 1408) which provides retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Be It Enacted by the Legislature of Alabama:

Section 1. Section Five of Act No. 651, H. 377, Regular Session 1975 (Acts 1975, P. 1408) is hereby amended to read as follows:

SECTION FIVE. (i) The retirement benefits provided for by this act shall commence on the first day of the first month following the day the person entitled thereto attains his fifty-fifth (55) birthday; provided, however, that such person is not at such time employed by or serving as a full time elected official, of the State of Alabama, or any municipality or county therein, or by the United States Government.

(ii) Should a retired elected official who is receiving retirement benefits under this Act die, leaving a spouse, such spouse shall be entitled to receive a monthly benefit payment in an amount equal to the monthly retirement benefit which said deceased elected official was entitled to on the date of death, for the remainder of his/her life, or until he or she marries again; provided he or she establishes his or her eligibility therefor in the manner prescribed in paragraph (iii).

(iii) The spouse of a deceased elected official may establish his or her eligibility to receive the benefits provided in this Act by submitted (a) proof of a bona fide marriage to the deceased, consummated not less than one year prior to transfer to the retirement status; (b) proof that the claimant and the deceased were living together as man and wife on the date of the death of the decedent and had been so living for at least one year prior to the date of his death.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-338 H.J.R. 350—Reps. Manley, Adams (C), Adams H, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield,

Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING SPEAKER JOE C. MCCORQUODALE, JR., FOR HIS EIGHT YEARS OF CHRISTIAN LEGISLATIVE LEADERSHIP.

WHEREAS, Speaker Joe C. McCorquodale, Jr., has served for 24 years in the Alabama House of Representatives in an exemplary Christian manner; and

WHEREAS, upon his election as Speaker of the House in 1975 he initiated and hosted the Legislative Prayer Breakfast every Thursday morning when the Legislature was in session, and

WHEREAS, upon his re-election as Speaker of the House in 1979 he perpetuated this tradition by continuing the very popular Legislative Prayer Breakfast for the full eight years of his Speakership; and

WHEREAS, the spiritual leadership and inspirational guidance provided by the ministers and religious lay persons addresssing the

Legislative Prayer Breakfast have added to the high moral standards of the Legislature and the quality of its actions; and

WHEREAS, the members of the House, members of the Senate, Legislative Pages and Legislative Guests have greatly enjoyed and benefited from these thought provoking and prayerful moments in each legislative session;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and thank Speaker Joe C. McCorquodale, Jr., for his initiation and continuance of the Legislative Prayer Breakfast and his many other acts of dedicated Christian Legislative Leadership.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-339 H.J.R. 351—Reps. Manley, McCorquodale

HOUSE JOINT RESOLUTION

SALUTING BERGERON INDUSTRIES, INC. FOR SELECTING ALABAMA FOR ITS 1982 INDUSTRIAL EXPANSION

WHEREAS, Bergeron Industries, Inc. began under the leadership of Roland J. Bergeron, Jr., in the mid-1950's, and was incorporated under its present name in 1973 in Louisiana, with annual sales in its initial year of incorporation of approximately 4 million dollars; and

WHEREAS, the corporation expanded into the State of Mississippi in 1976 as Bergeron Marine, Inc. and continued its fantastic growth in the Marine Construction Industry; and

WHEREAS, a subsidiary was incorporated in 1981 in Alabama as Bergeron Barges, Inc., through which construction was initiated immediately in Demopolis, and the first barge constructed at the Demopolis facility known as Super Jumbo Open Hopper Barge, SJ-101, will be christened and launched on Wednesday, April 21, 1982; and

WHEREAS, Bergeron Industries, Inc. through its Alabama subsidiary, has invested in excess of 10 million dollars in construction at Demopolis and has added 300 new jobs to the economy of our State;

NOW, THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do salute Bergeron Industries, Inc. and its subsidiary

corporations and thank them most sincerely for their corporate capital investment in our State and for their payroll addition to the employment rolls of Alabama, and we enthusiastically welcome Bergeron Industries, Inc. to the industrial complex of the State of Alabama.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-340 H.J.R. 354—Rep. Rains

HOUSE JOINT RESOLUTION

REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

WHEREAS, State telephone operators are on duty from 7:00 a.m. until 11:30 p.m. on weekdays, and from 9:00 a.m. until 5:00 p.m. on weekends and holidays; during these hours the State's WATS line can be made available by an operator to members of the Legislature anywhere in the State; and

WHEREAS, when the Legislature is in session on a holiday, however, as on Jefferson's Birthday, 1982, the State's WATS line is unavailable for business use by members of the Legislature during early morning and late evening hours, except from phones located in the Capitol itself or in other state buildings; and

WHEREAS, the pressing affairs of government are such that it is oftentimes necessary for legislators to place business calls outside the nine-till-five holiday hours, thus it is necessary that normal service be available when the House and Senate are in session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Service Division of the State Finance Department to provide that State telephone operators maintain a normal weekday schedule on all days that the Legislature is in session.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to advise State Finance Director Dr. Rex Rainer, by copy of this resolution, of this request of the Legislature.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-341 H.J.R. 359—Rep. Seibels

HOUSE JOINT RESOLUTION

HONORING MR. RAYMOND J. ISLEY OF BIRMINGHAM, ALABAMA.

WHEREAS, Birmingham native, Mr. Raymond J. Isley, is one of Alabama's most outstanding patriots who has so served, in honor and in sacrifice, as to be truly deserving of our nation's gratitude; and

WHEREAS, joining the United States Marine Corps in December 1941, he first served in New Zealand, then in Guadalcanal where he was wounded in action in November 1942; again injured in July 1943, in the South Pacific, Mr. Isley was awarded the Silver Star and later evacuated to New Zealand where he was hospitalized to be honorably discharged in November 1944; and

WHEREAS, Mr. Isley has been a member of the Disabled American Veterans since 1947 and an instrumental leader in Birmingham Chapter #4, guiding the Chapter in growth and to the establishment of a new Chapter Home; and

WHEREAS, he has been involved for many years, as well, with the National Veterans Day Parades in Birmingham and has long served as board member and Master of Ceremonies for the annual Distinguished Veterans Award Banquet; he is a past Commander of VFW Post 3565, a Disabled American Veterans Department Commander, Commander of American Legion General Gorgas Post #1, a two-term National DAV Junior Vice Commander and currently serves as Judge Advocate DAV, Department of Alabama; and

WHEREAS, Mr. Isley a University of Alabama graduate and an established Birmingham Certified Public Accountant, also has served in civic leadership as a Chief of Reserve Police of the Birmingham Civil Defense Corps, with the city's Industrial Development Board, and as the Mayor's Representative for JCCEO; he further was Revenue Agent for IRS from 1949 until 1954, and twice served as President of the Alabama Association of Public Accountants; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Raymond J. Isley of Birmingham, Alabama, as a distinguished American Patriot and an outstanding Alabamian, to whom a copy of this resolution shall be presented in small token of our deep appreciation and utmost regard.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-342 H.J.R. 360—Rep. McKee

HOUSE JOINT RESOLUTION

COMMENDING THE GROUP, "LIGHTHOUSE," OF ALABAMA CHRISTIAN COLLEGE.

WHEREAS, the Legislature of Alabama takes great pride in noting the recent outstanding accomplishments of "Lighthouse," a musical group from Alabama Christian College in Montgomery; and

WHEREAS, the six members of the group are Brent Missildine, Brad Clark, Bruce Lyon, David Webb, Sam Mullins, and Suzie Nolen, along with Steve Collins as sound and light technician, and Kevin Arvin, the Director of the show, each exemplifying the most admirable aspects of the Christian religion; and

WHEREAS, during the 1981-82 school year, Lighthouse will represent Alabama Christian College and the State of Alabama in more than 80 performances in the nine Southeastern states; and

WHEREAS, the numerous contributions of these young people are a source of deep pride and a warm sense of appreciation which is felt by all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Lighthouse, the extraordinarily talented musical group from Alabama Christian College, on its commitment to Christian education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the aforementioned people and to Mr. Doron L. Claiborne, Director of Admissions and Financial Aid at Alabama Christian College, for appropriate display as evidence of our high esteem and sincere gratitude for their many contributions.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-343 H.J.R. 366—Rules Committee

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, April 15, 1982, we adjourn to meet again on Tuesday,

April 20; when we adjourn on Tuesday, April 20, we adjourn to meet again on Monday, April 26; and when we adjourn on Monday, April 26, 1982, we adjourn sine die.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-344 H. 165—Rep. Clark (G)

AN ACT

To further regulate the taxation of beer by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article 3A, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution, beer; to provide for the collection and distribution of the proceeds of said tax; to authorize county and municipal license fees; to provide for penalties; to proscribe unlawful acts and offenses and prescribe punishment therefor; to provide for eligible counties a phase-out system of net revenue loss from local beer tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of beer, except general sales taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Levy.—In addition to the excise tax levied by Act No. 79-802, Acts of Alabama 1979 (now appearing as § 28-3-184, Code of Alabama 1975) and the licenses provided for by Article 3A, Title 28, Code of Alabama 1975, and by Section 5 of this Act, and any acts amendatory thereof, supplementary thereto or substituted therefor, and municipal and county licenses, there is hereby levied a privilege or excise tax on every person licensed under the provisions of said Article 3A who sells, stores, or receives for the purpose of distribution, to any person, firm, corporation, club or association within the state of Alabama any beer. The tax levied hereby shall be measured by and graduated in accordance with the volume of sales by such person of beer, and shall be an amount equal to one and six hundred twenty five thousands cents (1.625¢) for each four (4) fluid ounces or fractional part thereof.

(b) Collection.—The tax levied by subsection (a) of this section shall be added to the sales price of all beer sold, and shall be collected from the purchasers. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a tax on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent of the county or municipality for the collection and payment of the tax.

The tax levied by subsection (a) of this section shall be collected by a return in the form as prescribed or approved by the collecting authority of the county or municipality, which shall be filed by the wholesaler with the wet county and wet municipality where sold postmarked not later than the 15th day of the month following the month during which the beer is sold, which return shall be accompanied by the remittance of the tax due; provided, where the taxes are timely paid, the tax due shall be discounted by two and one-half percent (2 1/2%), which discount shall, subject to the provisions of Section 6 hereof, be retained by said wholesaler for collecting the tax.

The county and municipality each shall have the authority to inspect, examine and audit the books and records of any person, firm, corporation, club or association who sells, stores, or receives for the purpose of distribution, any beer, to determine the accuracy of any return required to be filed with it.

The county shall have the authority to require any beer wholesaler not having a place of business within that county, who makes any sale, distribution or delivery of beer within the county to first obtain a permit from the beer tax collection authority of the county collecting the tax levied by this Act.

The county and municipality shall have the authority to require any wholesale beer licensee, who sells, distributes or delivers beer within the county, to file with the tax collection authority a bond in the penal sum not to exceed twice the amount of the average monthly tax due by the licensee to such authority estimated by such tax collection authority, conditioned upon the payment of the tax on beer levied by this Act to become due by the licensee.

(c) Disposition of Proceeds.—The proceeds of the tax levied by subsection (a) of this section shall be paid and distributed as follows:

(1) Except as hereinafter provided in subsection (2) or (3) of this subsection (c), one and six hundred twenty five thousands cents (1.625¢) per four (4) fluid ounce or fractional part thereof shall be paid by wholesale licensees on their sales either into the treasury of the wet municipality in which the beer was sold or delivered by a wholesaler to a retailer within its corporate limits, or, where sold outside the corporate limits of any municipality, into the treasury of the wet county in which the beer was sold or delivered by the wholesaler to a retailer.

(2) Provided, however, such tax shall otherwise be paid and disposed of in the following counties, as hereinafter set forth:

(i) Autauga County: The entire amount of the tax collected on sales outside of the area comprised by the corporate limits and

police jurisdictions of the cities of Prattville and Autaugaville shall be paid to the Autauga County Commission. Outside the corporate limits amount of the tax shall be paid to the county commission and 1/3 shall be paid to the respective municipality. Within the actual corporate limits of Autaugaville and Prattville, 2/3 of the tax shall be paid to the governing body of the respective municipality and 1/3 shall be paid to the county commission.

(ii) Baldwin County: The taxes shall be paid as follows:

(A) All the taxes collected on sales within the corporate limits of any municipality shall be paid to said municipality.

(B) One-half (1/2) the taxes collected on sales within the police jurisdiction of any municipality shall be paid to said municipality and the remaining one-half (1/2) shall be paid to the county.

(C) All of the taxes on sales outside the corporate limits of any municipality and outside of any police jurisdiction shall be paid to the County Board of Education with the funds to be used for capital outlay, maintenance of existing buildings and instructional materials.

(iii) Calhoun County: The entire amount of the tax shall be collected by the Calhoun County Probate Judge and paid to the Calhoun County Commission. All such taxes, after first reimbursing the county general fund for expenses incurred in administration and enforcement of the tax, shall be distributed as follows:

(A) 6/9ths of the total amount of the tax shall be turned over by it to the custodian of county school funds. The County Board of Education shall immediately divide the funds with the City Boards of Education within the County pro rata in the same manner as the public school funds from the state are apportioned in said County under the minimum program fund law.

(B) 1/9th of the total amount of the tax or $150,000.00, whichever is greater, shall be paid to the Calhoun County Economic Development Council.

(C) The balance of the total amount of the tax shall be distributed to certain municipalities as follows:

Anniston	28½%
Oxford	21½%
Jacksonville	28%
Piedmont	17%
Hobson City	2%
Ohatchee	2%
Weaver	1%

(D) All reference in the general bill to county or municipalities shall apply to the Probate Judge or his designated agent in Calhoun County.

(iv) Chambers County: the entire amount of the tax shall be paid to the Chambers County Commission or like governing body of Chambers County, which, after the payment of all cost of collection and enforcement, shall distribute the net proceeds as follows:

(A) Fifty percent (50%) be prorated among the City and County Boards of Education for educational purposes on the basis of the previous year's net enrollment of pupils;

(B) Fifty percent (50%) be prorated among the Chambers County Commission general fund and the municipalities within the County, with each municipality receiving the amount that its population bears to the entire population of the County, and the general fund of the County receiving the amount that the population of the County outside the corporate limits of the municipalities bears to the entire population of the County according to the latest Federal census. In the event of the incorporation of any new municipalities, the proration shall be based on the official population of the municipality at the time of incorporation. Any annexation shall accrue to the city annexing according to the population annexed.

(C) Fifteen percent (15%) of the amount prorated to the County general fund in subsection (B) shall be prorated among the fire and rescue squads located within the County.

(v) Choctaw County: The entire amount of tax shall be paid to the Probate Judge and after reimbursement of 2 1/2% for services, distributed as follows:

(A) 1/9 to the County General Fund from which $7,000 shall be credited to a Legislative Delegation Fund to be controlled by the Legislative Delegation of Choctaw County.

(B) Of remainder, $20,000 to County Board of Education.

(C) Remainder up to $90,000 to the county and municipalities on the basis of population.

(D) Of revenue in excess of $90,000, 20% to the County Board of Education and the remainder to the county and municipalities on the basis of population.

(vi) Colbert County: One cent per twelve fluid ounces or fractional part thereof on all beer sold, within the county shall be paid to the probate judge and the proceeds shall be distributed by him as follows:

Two-fifths (2/5ths) to the Hospital fund of the County;

One-fifth (1/5th) to the County Board of Education for the benefit of the schools outside of the cities of Sheffield and Tuscumbia;

One-tenth (1/10th) to the Tuscumbia Board of Education for the benefit of the schools of the City of Tuscumbia;

One-tenth (1/10th) to the Sheffield Board of Education for the benefit of the schools of Sheffield; and

One-Fifth (1/5th) to the general fund of the County. For such services, the Probate Judge shall be entitled to commissions of two and one-half percent (2 1/2%) of all taxes collected.

The remainder of the tax shall be paid to the municipalities where sold.

(vii) Conecuh County: the entire amount of the tax shall be paid to the Treasurer of Conecuh County, who, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall distribute the remainder of the proceeds of said tax as follows: one-third (1/3) to be prorated between the municipalities of Evergreen, Repton and Castleberry upon the basis of their respective populations; one-third (1/3) to be paid over to the general fund of the County; and one-third (1/3) to be paid to the Conecuh County Board of Education to be expended for educational purposes.

(viii) Coosa County: The tax proceeds shall be paid by wholesalers as follows:

(A) One-cent (1¢) per container sold within the corporate limits of the municipalities within the county shall be paid directly to the municipalities where sold.

(B) The remainder of the tax shall be paid to the Coosa County Commission and shall be distributed as follows:

(1) 50% shall be deposited in the public school fund of the County to be used solely for public school purposes of Coosa County.

(2) 50% shall be deposited in the general fund of the County for general purposes of the County.

(ix) Dale County: The entire amount of the tax shall be paid to the County Commission or like governing body and shall be distributed as follows:

County	44.17%
Ariton	.53%
Clayhatchee	.30%

Daleville	7.59%
Grimes	.30%
Level Plains	15.62%
Midland City	3.08%
Napier Field	.28%
Newton	3.48%
Ozark	24.16%
Pinckard	.49%

(x) Dallas County: The entire amount of the tax collected on sales outside of the area comprised by the corporate limits and police jurisdiction of the City of Selma shall be paid to the Dallas County Commission.

The tax collected on sales inside the corporate limits of the City of Selma and its police jurisdiction shall be paid as follows: 72.33% to be paid to the City and its Board of Education, with 1/3 of such 72.23% to be paid to the City and 2/3 of such 72.23% to be paid to the City Board of Education (the Board of Education of the City of Selma); and 27.77% to be paid to the Dallas County Commission.

(xi) Elmore County: The entire amount of tax shall be paid to the Elmore County Commission or other governing body of Elmore County and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed as follows: one-half (1/2) of the net revenue from the tax shall be paid to Elmore County Board of Education; one-half (1/2) the tax collected on sales inside the corporate limits of any municipality within the County and one-fourth (1/4) of the taxes collected on sales made within the police jurisdiction of any municipality in the County shall be paid to such municipality; and the balance shall be paid into the Elmore County general fund.

(xii) Escambia County: The entire amount of tax shall be paid to the Judge of Probate of Escambia County and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed, as follows: Two and one-half percent (2 1/2%) to the Judge of Probate; sixty percent (60%) of the remainder to be prorated among the municipalities within the County upon the basis of their respective populations; and forty (40%) of the remainder to be prorated among the City and County Boards of Education for educational purposes on the basis of the previous year's net enrollment of pupils.

(xiii) Etowah County: The entire amount of tax shall be paid to the Etowah County Commission and the net revenue, after first reimbursing the County general fund for all expenses incurred in the

administration and enforcement of the tax, shall be distributed, as follows: (A) For beer delivered for retail sale within the corporate limits of a municipality having a board of education, all such proceeds shall be distributed according to the following percentages: 20.83 1/3% to the Etowah County general fund; 20.38 1/3% to the City and County Boards of Education of Etowah County, to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used only for capital outlay purposes, renovation and repairs; 58.33 1/3% to the general fund of the municipality.

(B) For beer delivered for retail sale outside the city or town limits, but within the police jurisdiction, of a municipality having a board of education, all such proceeds shall be distributed according to the following percentages: 12.50% to the Etowah County Board of Education; to be used for capital outlay purposes, renovation and repairs; 20.83 1/3% to the City and County Boards of Education in Etowah County to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs; 29.16 2/3% to the general fund of the municipality; 37.50% to the Etowah County general fund.

(C) For beer delivered for retail sale within the city or town limits of a municipality not having a board of education, all such proceeds shall be distributed according to the following percentages: 20.83 1/3% to the Etowah County general fund; 20.83 1/3% to the City and County Boards of Education in Etowah County, to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs; 33.33 1/3% to the general fund of the municipality; 25.00% to the Etowah County Board of Education to be used for capital outlay purposes, renovation and repairs;

(D) For beer delivered for retail sale outside the city or town limits, but within the police jurisdiction of a municipality not having a board of education, all such proceeds shall be distributed according to the following percentages: 16.66 2/3% to the general fund of the municipality; 20.83 1/3% to the City and County Boards of Education within Etowah County to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs; 25.00% to the Etowah County Board of Education; to be used for capital outlay purposes, renovation and repairs; 37.50% to the Etowah County general fund.

(E) For beer delivered for retail sale in locations which are within the boundaries of Etowah County, Alabama, but not within the corporate limits or police jurisdiction of any municipality, all

such proceeds shall be distributed according to the following percentages: 20.83 1/3% to the City and County Boards of Education in Etowah County divided in accordance with the most recent average daily attendance figures to be used for capital outlay purposes, renovation or repairs; 25.00% to the Etowah County Board of Education; to be used for capital outlay purposes, renovation or repairs; 54.16 2/3% to the Etowah County general fund.

(F) For draft beer sold and delivered within all areas in Etowah County, all proceeds shall be distributed according to the following percentage: 83.33 1/3% to the City and County Boards of Education in Etowah County to be divided pro rata among them in accordance with the most recent average daily attendance figure to be used for capital outlay purposes, renovation and repairs; 16.66 2/3% to the municipalities in Etowah County within which draft beer is sold at retail, to be divided among them pro rata according to the population.

(xiv) Greene County: The entire amount of the tax shall be paid to the Judge of Probate of Greene County and distributed by him as follows: 2 1/2% to the Probate Judge as commission for collection and administration; 2/5ths of the remainder to the general fund of the County; 2/5ths of the remainder to the County Board of Education; and 1/5th prorated among the municipalities within the County upon the basis of their respective populations.

(xv) Hale County: The entire amount of tax shall be paid to the Hale County Commission or like governing body of Hale County and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be prorated among the county and municipalities therein upon the basis of their respective populations.

(xvi) Jefferson County: The tax as provided in Section 1(a) shall be paid by wholesalers to the Director of Revenue of Jefferson County. The tax received by the Director of Revenue shall be divided into Funds A, B and C. Fund A shall receive four-ninths (4/9ths) of the tax received; Fund B shall receive two-ninths (2/9ths) of the tax received; and Fund C shall receive three-ninths (3/9ths) of the tax received. Funds A, B and C shall be distributed by the Director of Revenue on a monthly basis as follows:

A. Two percent (2%) of the net tax collected and placed in Fund A shall be paid to the General Treasury of the county for the collection and distribution of said tax, and for the enforcement of the provisions of this Act. The remaining amount in Fund A shall be distributed as follows:

(a) Two-eighths (2/8ths) shall be paid to the County Board of Education for the payment of salaries of public school teachers.

(b) Three-eighths (3/8ths) shall be retained in the general treasury of the County.

(c) Three-eighths (3/8ths) shall be distributed to the incorporated municipalities within the county upon the basis of their respective populations, according to the Federal Census at the time the distribution is made.

B. Fund B shall be distributed to the municipalities in the county on the basis of the percentage of the beer taxed which was delivered to a retailer within the respective corporate limits of each municipality in the county.

C. Fund C shall be distributed as follows:

(a) fifty per cent (50%), or two million dollars ($2,000,000.00) annually, which ever is the greater, shall be paid to the Birmingham-Jefferson County Transit Authority or its successor.

(b) The balance shall be divided between the County and the incorporated municipalities within the county upon a population basis with the municipal share determined by the respective populations of said municipalities, and the county share by the population of the unincorporated areas thereof, according to the last Federal Census at the time the distribution is made.

Of the total amount of the county share, five percent shall be allocated for fire protection and paramedic services and equipment in fire districts in the unincorporated areas of the county. Such distribution shall be made to each such fire district on a pro rata basis that the number of homes and businesses served in that district bears to the total number of homes and businesses served in all such fire districts in the unincorporated areas.

(xvii) Lee County: The entire amount of tax shall be paid to the Lee County Commission or like governing body of Lee County and shall be distributed to the custodian of the County school fund, the Custodian of the Opelika city school fund and the Custodian of the Auburn city school fund in the same manner and at the same rate that the state minimum school program funds are distributed. Provided however that any subsidy received shall be paid to the city of Auburn.

(xviii) Lowndes County: The tax proceeds shall be paid by wholesalers as follows:

(A) One-cent shall be distributed to municipalities in the following manner:

(1) One-third to municipalities that have an existing beer tax distributed on a population basis.

(2) Two-thirds to go to all municipalities including those that have an existing beer tax distributed on a population basis.

(B) One-cent to be distributed as follows:

(1) One-twelfth to the county board of education and three-twelfths to the probate judge for services rendered.

(2) Two-thirds to the county commission for the performance of services.

(C) The remainder to be equally divided between the Public School Fund and the Juvenile Service Trust Fund Account.

(xix) Macon County: The entire amount of tax shall be paid to the Macon County Commission or like governing body of Macon County and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by it as follows: 6/12ths of the net proceeds shall be paid into the general fund of said County to be used for governmental purposes of the County as other monies in the general fund; 4/12ths shall be apportioned and distributed to the City of Tuskegee and shall be deposited into its general fund to be used for governmental purposes of the City as other monies in the general fund of said City are used; 1/12th shall be apportioned and distributed to the Town of Notasulga and deposited into the general fund of said Town to be used for governmental purposes of the Town as are other monies in the general fund of said town; 1/12th shall be apportioned and distributed to the Town of Franklin and deposited into the general fund of said Town to be used for governmental purposes of the Town as are other monies in the general fund of said town.

(xx) Madison County. The proceeds of the tax shall be paid by wholesalers to the County Commission or like governing body and shall be distributed as follows:

(A) One-eighteenth (1/18) to the County General Fund.

(B) The remainder of the tax shall be distributed to the municipality where sold, including its police jurisdiction. Provided, however, that the following municipalities shall receive a dollar amount no less than the dollar amount actually received during the base year 1982:

Gurley
New Hope
Owens Crossroads
Triana
Madison

(xxi) Marengo County: The entire amount of the tax shall be paid to the Probate Judge of Marengo County, who shall receive 2 1/2% of all taxes collected as compensation for administering this Act and the remainder of the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by him as follows: the municipalities shall receive the taxes paid on all sales within the corporate limits and police jurisdiction of each municipality, and the County shall receive the tax on all sales made outside the corporate limits and police jurisdictions of all municipalities within the County.

(xxii) Mobile County: The entire amount of tax shall be paid to the license commissioner of Mobile County and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by him as follows: 1/2 to the governing body of the municipality where the malt or brewed beverages are sold within its corporate limits; and the remainder to the Board of School Commissioners of Mobile County.

(xxiii) Perry County: The tax shall be paid to the county governing body and be distributed as follows:

(A) Except as hereinafter provided in subsection (B), the proceeds shall be distributed as follows:

(1) The taxes collected on sales within the corporate limits of the municipality of Marion shall be paid to said municipality.

(2) The taxes collected on sales within the corporate limits of the municipality of Uniontown shall be paid to said municipality.

(3) The taxes collected on sales outside the police jurisdiction of a municipality and outside the corporate limits of any municipality shall be retained by the county.

(4) The taxes collected on sales outside of a municipality's corporate limits but within said municipality's police jurisdiction shall be distributed in the following manner:

Three-fourths of the tax proceeds shall be retained by the county.

One-fourth of the tax proceeds shall be paid to the municipality controlling said police jurisdiction.

(B) Until the conditions set forth in this subsection (B) have been satisfied, one-ninth (1/9) shall be deducted from each of the foregoing distributions and retained by Perry County and earmarked for the purpose of purchasing mechanical voting machines with lever action and curtain and creating an election expense fund in the

amount of $20,000.00. Said voting machines shall be purchased by May 1, 1982, and said election expense fund shall be used to pay board of registrars members' compensation and for election supplies and materials, election handling, storage and other expense. When the cost of the voting machines and election expense fund have been collected by the County, the right to deduct pursuant to this subsection (B) shall expire and the entire proceeds shall be distributed pursuant to and in accordance with subsection (A) hereof.

(xxiv) Russell County: The taxes shall be paid and distributed as follows:

(A) Payment of taxes collected by wholesalers.

(1) All the taxes collected on sales within the corporate limits of the municipality of Phenix City shall be paid to said municipality.

(2) All the taxes collected on sales within the corporate limits of the municipality of Hurtsboro shall be paid to said municipality.

(3) One-half (1/2) the taxes collected on sales within the police jurisdiction of Phenix City and Hurtsboro shall be paid to the respective municipality and the remaining one-half shall be paid to the county.

(4) All of the taxes on sales outside the corporate limits of any municipality and outside of any police jurisdiction shall be paid to the county.

(B) Distribution of county proceeds. All such taxes, after first reimbursing the county general fund for all expenses incurred in administration and enforcement of the tax, shall be used equally for the county school system and the county general fund. Of the monies going to the county general fund, half (1/2) of said amount shall be distributed to the volunteer fire departments in Russell County on a per department basis, who are recognized as legal fire districts.

(xxv) St. Clair County: The entire amount of tax shall be paid to the St. Clair County Commission or like governing body of St. Clair County and the net revenue, after reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by it as follows: 1/3¢ per four (4) fluid ounces or fraction thereof to the governing body of each municipality where beer is sold within its corporate limits and 1/6¢ per four (4) fluid ounces or fraction thereof to the governing body of each municipality where beer is sold within its police jurisdiction; the remainder to be distributed as follows: 25% to be paid to the road and building fund of the general fund of St. Clair County, which money shall be used for the operation of the St. Clair County Road Department, in the building and maintenance of all public

roads and bridges in the County; 20.83 1/3% of the remainder to the St. Clair County Board of Education; 8.33 1/3% of the remainder to the St. Clair County Library board to be used by the board for the use of libraries and/or book mobiles throughout the County; and 45.83 1/3% to the general fund of St. Clair County to be disbursed by the St. Clair County governing body as other funds of the County are disbursed.

(xxvi) Shelby County: The entire amount of tax shall be paid to the Shelby County Commission or like governing body of Shelby County to the credit of its County general fund and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be disbursed as follows: 2/9ths of the net proceeds of such tax shall be paid to the Shelby County Board of Education; 3/9ths of the net proceeds of such tax shall, on or before the 25th day of each month, be paid to the municipalities of Shelby County in the same ratio as the population of each municipality bears to the total population of all municipalities in Shelby County; 2/9ths shall be paid into the Shelby County Law Enforcement Personnel Board fund to be used for the purposes set forth in Act No. 79-524, Acts of Alabama 1979; and the remaining 2/9ths of the net proceeds shall remain in the Shelby County general fund to be disbursed by the County governing body.

(xxvii) Sumter County: The entire proceeds of the tax shall be paid to the county treasurer. After the payment of all cost of collection and enforcement of the tax, the treasurer shall pay into the general fund of each incorporated municipality 4/9ths of the revenue produced within the corporate limits of said municipality and the remainder shall be paid into the general fund of the county, from which $7,000 shall be credited to a Legislative Delegation Fund to be controlled by the Legislative Delegation of Sumter County.

(xxviii) Talladega County. The tax shall be paid to the probate judge and, after deduction of all expenses of collecting and administering the tax, the proceeds of the tax shall be distributed as follows: After determining net revenue received in the base year (county plus all municipalities), distribution of future revenue to each entity presently receiving beer tax distributions shall be in the same proportion as each entity's revenue to the total net revenue was during the base year.

The following entities shall be entitled to a share of beer tax revenue:

Talladega County	Community of Munford

Talladega County Board of Education	Community of Eastaboga
City of Talladega	North Talladega County Association for Retarded Citizens, Inc.
City of Sylacauga	South Talladega County Association for Retarded Citizens, Inc.
City of Childersburg	
City of Lincoln	

Provided, however, that from the county share, the sum of $6,500 shall be spent as follows: (A) the sum of $1,500 per annum shall be spent in the unincorporated community of Eastaboga for public projects for the benefit of said community; (B) the sum of $2,500 per annum shall be spent in the unincorporated community of Munford to provide rural health care in the existing rural health clinic in said community; and (C) the sum of $2,500 per annum shall be spent in the unincorporated community of Munford for youth activities, including the construction, improvement, lighting and maintenance of athletic playing fields.

The North and South Talladega County Associations for Retarded Citizens, Inc. shall receive from the county the same proportion of revenue received during the base year (1982).

Provided further, that the Talladega County Board of Education shall divide its share of the beer tax revenue between itself and the city boards of education now existing within the county pro rata in the same manner as public school funds from the State are apportioned in said county under the Minimum Program Fund Law.

For all purposes of enforcement of the provisions of this act, it is a prima facie presumption of law that any wholesaler or jobber subject to the act has accrued a liability for the taxes levied herein for the total amount of alcoholic beverages handled by it during any tax period under the act. The burden of proof is upon any such person to prove that any such alcoholic beverages disposed of in such a manner as not to become subject to the taxes imposed in this act were so disposed of in such a manner. It shall be the duty of any person subject to the privilege or license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and of all other matters from which the correct amount of privilege or license tax to which such person is subject may be ascertained; and, in the event that such person shall discontinue his business, he shall not destroy or dispose of such records until he shall have given the probate judge of the county thirty days notice in writing of his intent to destroy or dispose of such records. The failure of such person to keep such records, or his destruction or disposition of such records without giving such notice, shall constitute a misdemeanor.

Upon demand by the probate judge or his authorized deputy, auditor, or representative, it shall be the duty of any such person subject to the privilege or license tax imposed by this act to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of privilege or license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within the county, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories, and any other information from which the correct amount of privilege or license tax to which such person is subject may be determined including exhibition of bank deposit books and bank statements; and any person failing or refusing to submit such records for such inspection and examination upon such demand, shall be guilty of a misdemeanor.

If any person subject to the provisions of this act does not have in such person's control or possession, within the county, true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for determination of the correct amount of the privilege or license tax due, or if, having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection and examination as herein required, then, in either event, it shall be the duty of the probate judge of the county to ascertain from such information and data as he may reasonably obtain, the correct amount of license tax due from such person and immediate payment of the amount of such privilege or license tax shall be made.

All records and reports filed in the Probate Office under this act shall be public records and shall be open to inspection by any person during all probate office hours.

The probate judge of the county shall provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license taxes authorized by this act. Each municipality within the county shall provide aid and assistance in collecting the taxes herein provided for within its territory. The probate judge may employ a person or persons to act as inspectors and otherwise to assist in the enforcement of the provisions of this act. The salary and expenses of such inspectors shall be paid out of the county general fund in such manner as is provided by law. Such inspectors shall have the same powers relative to enforcement of the taxes hereby levied that law enforcement officers employed by the Alabama Alcoholic Beverage Control Board have relative to enforcing

the state tax on spirituous liquors and on malt and brewed beverages. Any municipality in the county may also employ a special alcoholic beverage law enforcement officer for such municipality whose chief duty shall be enforcement of this act.

In addition to all other records and reports required under this act, each wholesale distributor shall, by the 20th day of each month, file a report with the probate judge showing his inventory of beer on the first day of the preceding month, by brand and type of container, his inventory of beer on the last day of the preceding month, an accounting for all beer broken or damaged during the preceding month, proof of state authorization for transfers to other wholesale distributors, and a record of all beer in transit to such distributor from breweries.

In addition to all other records and reports required under this act, each private club shall file with the probate judge on or before the 20th day of each month detailed inventory of all alcoholic beverages on hand on the first day and the last day of the preceding month, and a record of all purchases of alcoholic beverages made by it during the preceding month.

In addition to all other reports and records required under this act, each retail beer seller shall file with the probate judge on or before the 20th day of each month a detailed inventory of all beer on hand on the first day and the last day of the preceding month.

The license of any wholesale distributor, private club, or retail seller failing or refusing to file the reports shall be suspended forthwith by the probate judge pending receipt of such report.

(xxix) Tallapoosa County. The tax, after converting all sales to cases equivalent to twenty-four (24) twelve-ounce (12 oz.) containers and after deducting the 2 1/2% discount authorized by this Act, shall be paid by wholesalers as follows:

A. Two cents (2¢) per equivalent twelve-ounce (12 oz.) container sold or delivered to retail licensees within the county shall be paid to the custodian of public school funds of Tallapoosa County and shall be used and expended for public school purposes. Such funds shall be apportioned among the county and city school systems on the basis of the current ratio distribution formula used in apportionment of minimum program funds within the county.

B. The remainder of the tax shall be paid to the County Commission or like governing body and distributed as follows:

56.4% to Alexander City

43.6% to the county for distribution, based on sales, either into

the treasury of the municipalities (except Alexander City) in which the beer was sold or delivered by a wholesaler to a retailer within its corporate limits, or, where sold outside the corporate limits of any municipality into the treasury of the county.

C. Any subsidy received under the provisions of this bill shall be distributed as provided for in B. above.

(xxx) Tuscaloosa County: A. Forty-five percent (45%) of the tax shall be paid to the probate judge of Tuscaloosa County and shall by him be distributed in the same manner as provided in Act 556 of the 1953 Regular Session of the Alabama Legislature; and fifty-five percent (55%) shall be paid to the probate judge of Tuscaloosa County and shall by him be distributed in accordance with Act 81-739 of the 1981 Regular Session of the Alabama Legislature.

B. Any subsidy received by Tuscaloosa County pursuant to Section 7 of this act shall be paid and distributed among the county, municipalities and the Tuscaloosa County Parks and Recreation Authority in accordance with the ratio of any net revenue loss of each such entity to the total subsidy paid to the County.

(xxxi) Wilcox County: The entire tax revenue shall be paid to the Wilcox County Commission or like governing body of Wilcox County and disbursed as follows: 2 1/2% of the gross tax receipts to be paid as to the Probate Judge of Wilcox County as a fee for the administration and enforcement; the remainder shall be disbursed as follows: 50% to be prorated between the incorporated municipalities in Wilcox County upon the basis of their respective populations; and 50% to be paid over to the general fund of the County. Provided, however, prior to the distribution provided for in this subsection, the sum of $400.00 per month shall be paid to the Wilcox County Civil Defense Agency.

(3) or, such tax shall otherwise be paid and disposed of in accordance with and pursuant to any local act or general act of local application hereafter enacted with respect to any county directing a different disposition or apportionment of the proceeds of the tax.

(d) The tax herein levied is exclusive and shall be in lieu of all other or additional local taxes and licenses, county or municipal, imposed on or measured by the sale or volume of sale of beer; provided that nothing herein contained shall be construed to exempt the retail sales of beer from the levy of a tax on general retail sales by the county or municipality in the nature of, or in lieu of, a general sales tax.

Section 2. The tax levied by subsection (a) of Section 1 of this Act shall not be imposed upon the sale, trade or barter of malt

or brewed beverages by one licensed wholesaler or distributor to another wholesaler or distributor licensed to sell and handle malt or brewed beverages in this state, which transaction is hereby made exempt from said tax; provided, however, that the Board shall and the county or municipality may require written reporting of any such transaction in such form as the Board may prescribe, or if no form is prescribed by the Board, in such form as may be prescribed by the county of municipality.

Section 3. Unlawful acts and offenses; penalties.

(a) It shall be unlawful:

(1) For any licensee to sell, give away or otherwise dispose of beer taxable under this Act within this state on which the taxes required by this Act have not been paid within ten (10) days after the date upon which they were due.

(2) For any wholesale beer licensee to fail to keep for a period of at least three (3) years, complete and truthful records covering the operation of his license and particularly showing all purchases and sales of beer and the name and address of the vendor or vendee, or to refuse the governing authority of any county or municipality in which beer sales are made or any authorized employee or agent of the county or municipality, access to such records or the opportunity to make inspection, examination, audit or copies of the same when the request is made at anytime during which the licensed premises are open for the transaction of business.

(3) For any wholesale beer licensee to refuse the governing authority of any county or municipality in which he sells beer, or any authorized employee or agent thereof or any duly commissioned law enforcement officer thereof the right to completely inspect the entire licensed premises at anytime during which such premises are open for the transaction of business.

(4) For any person to knowingly or willfully make, exhibit or file a falsified return or any information upon which said return is based for the purpose of defrauding any county or municipality by evading the payment of the tax levied by this Act.

(b) Any violation of subsection (a) of this section shall be a misdemeanor punishable by a fine of not less than $100.00 nor more than $1,000.00, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than three months for the first conviction; and, on the second conviction of a violation of said subdivision, the offense may, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor

for the county for not less than three months nor more than six months to be imposed by the court or judge trying the case; and, on the third and every subsequent conviction of a violation of said subdivision, the offense may, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than six months nor more than 12 months.

Section 4. Penalties.—(a) Every wholesaler licensee collecting tax on beer levied by this Act shall timely pay the same as provided in this Act. Every such wholesaler licensee failing for a period of 10 days beyond the due date to pay the said tax due pursuant to this Act shall be required to pay as part of the taxes imposed under this Act a penalty of not less than $50, nor more than $250, to be assessed and collected by the authority to whom the taxes are to be paid. In addition to such penalty, any wholesaler licensee failing for a period of 10 days beyond the due date to pay all or any part of the tax due pursuant to this Act shall not be entitled to deduct and retain the 2 1/2% discount prescribed in Section 1 (b) hereof upon any portion of the tax which is not timely paid.

(b) If any taxes or penalties imposed by this article remain due and unpaid for a period of 10 days, the presiding officer of the affected governing body may issue a warrant or execution directed to any sheriff of the State of Alabama, commanding him to levy upon and sell the real and personal property of the taxpayer found within his county for the payment of the amount thereof, with penalties, if any, and the cost of executing the warrant, and to return such warrant to the governing body of the county or municipality and pay to it the money collected by virtue thereof. Upon receipt of such execution, the sheriff shall file with the clerk of the circuit court of his county a copy thereof and thereupon the clerk of the circuit court shall enter in his abstract of judgments the name of the taxpayer mentioned in the warrant and in proper columns the amount of tax, with penalties, and costs for which the warrant is issued and the date and hour when such copy is filed, and shall index the warrant upon the index of judgments. The sheriff shall thereupon proceed upon the warrant in all respects with like effect and in the same manner prescribed by law in respect to executions issued against the property upon judgments of a court of record and shall be entitled to the same fees for services in executing the warrant to be collected in the same manner. He shall make return of such execution to said governing body within 30 days of issuance thereof. The taxes and penalties imposed by this Act shall be deemed a debt owing to the county or municipality by the party against whom the same shall be charged and shall be a preferred lien on all property of the party against whom the same shall be charged.

Section 5. License Fees.—Each county and municipality is authorized to fix a reasonable privilege or license fee on retail, importer and wholesale licensees, for the purpose of covering the cost of administration, but not to generate revenue. Provided, however, that a county or municipality shall levy no license or privilege tax or other charge for the privilege of doing business as a beer wholesaler, importer or retailer which shall exceed one-half the amount of the state license fee.

Section 6. Legislative Intent.—

(a) It is hereby declared the intention and purpose of this Act to prescribe and levy an exclusive statewide local tax on the sale of beer for the protection of the public welfare, health, peace and morals of the people of this state and for the protection of revenues of the counties and municipalities in this state from avoidance and evasion.

(b) It is further declared to be the intention and purpose of this Act to establish a system to phase out the projected loss of net revenue which would be experienced by those eligible counties, in which were imposed, as of October 1, 1981, a combined local tax rate on beer which exceeds the rate of the uniform tax levied on beer by this Act.

Section 7. Revenue Loss Phase-Out System.—

(a) When used in this Section and in Section 6 (b) and Section 8 of this Act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) BEER TAX ESCROW FUND, or FUND. A fund established with the alcoholic beverage control board as escrow agent funded by payments made by wholesale beer licensees collecting the tax imposed by this Act, such payments being made from the discount provided by Section 1 (b) of this Act. From the fund, the board shall pay to each eligible county the amount or amounts provided by this Section for the purpose of phasing out the net revenue loss which would be experienced by eligible counties.

(2) ELIGIBLE COUNTY. Any wet county in which was imposed, as of November 1, 1981, a combined local tax rate on beer in that county which exceeded the uniform tax levied on beer by this Act and which would, as a result thereof, experience a decrease in its net local tax revenue collected on beer. In order for any county to become eligible, it must timely file a claim for its loss of net revenue, which claim must be certified by the board as provided in subsection (e) of this Section.

(3) BASE YEAR. The year commencing October 1, 1981, and

ending September 30, 1982.

(4) BASE YEAR CASES. The number of cases of beer sold within a county during the base year upon which local beer taxes were paid in that county, which number shall be determined by the board.

(5) BASE YEAR NET REVENUE. The actual net revenue realized within a county from combined local beer taxes collected on the sale of the base year cases. Net revenue shall be revenue received from combined local beer taxes, less administrative expenses including but not limited to cost of stamps, discounts or rebates to wholesalers, salary and expenses of beer tax inspectors, and such other costs of collection and administration rendered unnecessary by the provisions of this Act.

(6) PROJECTED REVENUE. The amount of revenue derived from the base year cases multiplied by the rate of tax per case levied by this Act, after deducting the discount of 2 1/2% prescribed in Section 1 (b) hereof. (Base year cases x rate of tax per case – 2 1/2% discount = projected revenue). The foregoing formula is a one-time calculation.

(7) NET REVENUE LOSS, or LOSS OF NET REVENUE. The excess of base year net revenue over projected revenue. (Base Year net revenue – projected revenue = net revenue loss).

(8) SUBSIDY. The sum of money paid from the beer tax escrow fund by the board to each eligible county in installments as hereinafter provided totaling 400% of its net revenue loss.

(b) There is hereby established a Beer Tax Escrow Fund into which shall be paid the total amount of 400% of the annual net revenue loss as herein defined and calculated, which loss would be experienced by those eligible counties. This Beer Tax Escrow Fund shall be funded by payments from funds provided by the discount permitted by Section 1 (b) of this Act made by wholesale beer licensees who collect the uniform tax levied by this Act.

(c) All wholesale beer licensees collecting the tax imposed by this Act shall pay into the Beer Tax Escrow Fund. Such payments are to total a sum equal to 400% of the net revenue loss of eligible counties, as determined by the board, and are to be made from the 2 1/2% discount prescribed for wholesale licensees in Section 1 (b) hereof, as follows: wholesale beer licensees collecting the tax imposed by this Act shall pay monthly to the board for deposit in and credit to the beer tax escrow fund the sum of two and one-half cents (2 1/2¢) per case for each case of beer received during the preceding month upon which beer tax is paid in this state. Such monthly pay-

ments shall commence on November 30, 1982, and shall be paid not later than the last day of each succeeding month and shall continue monthly until the total of the payments made into the fund shall be equal to or exceed the total subsidies to be paid to all eligible counties. The board shall cease collecting payments and shall so notify promptly each participating beer wholesaler when the total of the payments made to the board shall be equal to or exceed the total subsidies to be paid. Upon the payment of subsidies to all eligible counties, any moneys remaining in the fund shall be paid into the supplement beer tax escrow fund, if any, as authorized by Section 8 of this Act, or if there is no supplement beer tax escrow fund, then paid into the general fund of this state.

(d) Each eligible county shall be paid 400% of its net revenue loss (the difference between base year net revenue and projected revenue) by the board from the fund, as follows:

For the fiscal year commencing October 1, 1982, and ending September 30, 1983, the payment to each eligible county shall be 100% of its net revenue loss, or difference between base year net revenue and projected revenue; and for each of the three succeeding fiscal years thereafter, 100% of its net revenue loss.

The board shall pay the subsidy to each eligible county on the 15th day of the months of March, June and September of each year an amount equal to one-third (1/3) of the total annual subsidy payment to be made during that fiscal year; provided, should the fund not contain sufficient money to make any given payment, any deficiency shall be made up in the next succeeding payment or payments.

(e) Any county desiring to assert a claim of eligibility for the subsidy under this Section must file its claim with the board within 60 days after the effective date of this Act. Upon the filing of such claim, the board shall, within 60 days after the filing of a claim, investigate and determine the eligibility of the claim of said county for subsidy and, if eligible, the amount of its subsidy. The decision of the board on eligibility and the subsidy amount shall be final and binding. No dry county shall be eligible to receive a subsidy on or after the effective date of its becoming a dry county.

Section 8. Supplemental Revenue Loss Phase-Out System.—

(a) When used in this Section of this Act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) SUPPLEMENT BEER TAX ESCROW FUND. A fund established with the alcoholic beverage control board as escrow agent

funded by payments made by wholesale beer licensees collecting the tax imposed by this Act, such payments being made from the discount provided by Section 1 (b) of this Act. From the fund, the board shall pay to each supplement eligible county the amount or amounts provided by this Section for the purpose of phasing out the supplement net revenue loss, if any, which would be experienced by supplement eligible counties.

(2) SUPPLEMENT ELIGIBLE COUNTY. Any Eligible County which would, as a result of the uniform tax levied on beer by this Act, continue to experience a decrease in its net local tax revenue collected on beer beyond the end of the subsidy provided in Section 7 of this Act. In order for any county to become eligible for the supplement, it must have been an Eligible County under Section 7 of this Act and must timely file a claim for its supplement net revenue loss, which claim must be certified by the board as provided in subsection (e) of this Section. Provided, however, that no county will be a Supplement Eligible County if any adjoining dry county or municipality shall have become wet between the effective date of this Act and October 1, 1985.

(3) SUPPLEMENT BASE YEAR. The year commencing October 1, 1985, and ending September 30, 1986.

(4) SUPPLEMENT BASE YEAR CASES. The number of cases of beer sold within a Eligible County during the supplement base year upon which the uniform tax levied on beer by this Act were paid in that county, which number shall be determined by the board.

(5) SUPPLEMENT BASE YEAR NET REVENUE. The actual revenue realized within a county from uniform local beer taxes collected on the sale of the supplement base year cases pursuant to this Act. The amount of revenue derived from supplement base year cases multiplied by the rate of tax per case levied by this Act, after deducting the discount of two and one-half percent (2 1/2%) prescribed in Section 1 (b) hereof. (Supplement base year cases x rate of tax per case – 2 1/2% discount = supplement base year net revenue).

(6) SUPPLEMENT NET REVENUE LOSS. The excess of base year net revenue over supplement base year net revenue. (Base year net revenue – supplement base year net revenue = supplement net revenue loss).

(7) SUPPLEMENT, or SUPPLEMENTAL SUBSIDY. The sum of money paid from the supplement beer tax escrow fund by the board to each supplement eligible county in installments as hereinafter provided totaling 200% of its supplement net revenue loss.

(b) There is hereby established a Supplement Beer Tax Escrow Fund into which shall be paid the total amount of 200% of the annual supplement net revenue loss as herein defined and calculated, which loss would be experienced by those supplement eligible counties. This Supplement Beer Tax Escrow Fund shall be funded by payments from funds provided by the discount permitted by Section 1 (b) of this Act made by wholesale beer licensees who collect the uniform tax levied by this Act.

(c) All wholesale beer licensees collecting the tax imposed by this Act shall pay into the Supplement Beer Tax Escrow Fund. Such payments are to total a sum equal to 200% of the supplement net revenue loss of supplement eligible counties, as determined by the board, and are to be made from the 2 1/2% discount prescribed for wholesale licensees in Section 1 (b) hereof, as follows: wholesale beer licensees collecting the tax imposed by this Act shall pay monthly to the board for deposit in and credit to the supplement beer tax escrow fund the sum of two and one-half cents (2 1/2¢) per case for each case of beer received during the preceding month upon which beer tax is paid in this state. Such monthly payments shall commence on October 31, 1986, and shall be paid not later than the last day of each succeeding month and shall continue monthly until the total of the payments made into the fund shall be equal to or exceed the total supplements to be paid to all supplement eligible counties. The board shall cease collecting payments and shall so notify promptly each participating beer wholesaler when the total of the payments made to the board shall be equal to or exceed the total supplements to be paid. Upon the payment of supplements to all supplement eligible counties, any moneys remaining in the fund shall be paid into the general fund of this state.

(d) Each supplement eligible county shall be paid 200% of its supplement net revenue loss (the excess of base year net revenue as defined in Section 7 of this Act over supplement base year revenue) by the board from the fund from the supplement beer escrow fund, as follows:

For the fiscal year commencing October 1, 1986, and ending September 30, 1987, the payment to each supplement eligible county shall be 100% of its supplement net revenue loss, or excess of base year net revenue over supplement base year revenue, and for the fiscal year October 1, 1987 through September 30, 1988, 100% of its supplement net revenue loss.

The board shall pay the supplement to each supplement eligible county on the 15th day of the months of March, June and September of the years, 1987 and 1988, an amount equal to one-third (1/3)

of the total annual supplement payment to be made during that fiscal year; provided, should the supplement beer tax escrow fund not contain sufficient money to make any given payment, any deficiency shall be made up in the next succeeding payment or payments.

(e) Any Eligible County desiring to assert a claim of eligibility for the supplement under this Section must file its claim with the board within 60 days after September 30, 1986. Upon the filing of such claim, the board shall, within 60 days after the filing of a claim, investigate and determine the eligibility of the claim of said Eligible County for supplement and, if eligible for the supplement, the amount of its supplement. The decision of the board on supplement eligibility and the supplement amount shall be final and binding. No dry county shall be eligible to receive a supplement on or after the effective date of its becoming a dry county.

Section 9. The words and phrases used in this Act shall have the meanings ascribed to them in Section 2 of the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, and now appearing as § 28-3A-2, Code of Alabama 1975, and any acts amendatory thereof, supplementary thereto or substituted therefor.

Section 10. Repealer Provisions.—

(a) Specific Repealer.—This act supersedes and repeals all local taxes and licenses, county or municipal, authorized, levied or imposed on or measured by the sale or volume of sale of beer, except the authorization, levy or imposition of a tax on general retail sales by the county or municipality in the nature of, or in lieu of, a general sales tax; provided, however, nothing herein shall be construed to relieve any person from any tax liability, penalty or forfeiture incurred thereunder, nor construed to repeal any provision of law respecting the enforcement of any such tax liability, penalty or forfeiture.

(b) General Repealer.—All laws or parts of laws, local, special or general, which conflict or are inconsistent with this Act are hereby repealed.

Section 11. Severability Clause.—The provisions of this Act are severable. If any part or the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective at midnight on September 30, 1982, upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 9:00 P.M.

Act No. 82-345 S. 115—Mr. Parsons

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, with certain modifications; to amend sections 34-17-24 and 34-17-25, so as to increase fees and penalties to allow for increased costs of administration of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Examiners of Landscape Architects, and voted to recommend the continuance of the board created and functioning pursuant to sections 34-17-1 through 34-17-27, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Examiners of Landscape Architects, created and functioning pursuant to sections 34-17-1 through 34-17-27 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-17-24 and 34-17-25 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 34-17-24. (a) Every landscape architect shall pay an annual license fee to the board. The fee shall be due and payable on the first day of January of each year and shall become delinquent after the thirty-first day of January.

"(b) If the annual license fee is not paid before it becomes delinquent a penalty of $50.00 shall be added to the amount thereof per year.

"(c) If the annual license fee and penalty are not paid before the thirtieth day of June in the year in which they become due, the landscape architect's certificate shall be suspended from and after the expiration of 30 days from the date of mailing of notice of such delinquency by registered or certified mail, return receipt requested, postage prepaid and addressed to the landscape architect at his address as it appears on the records of the board. The notice of

delinquency shall state that upon the expiration of time herein allowed his certificate will be suspended unless, within said time, the annual license fee and penalty are remitted.

"(d) After the certificate has been suspended, it may be reinstated upon the payment of the annual license fee and such proof of the landscape architect's qualifications as may be required in the sound discretion of the board.

"(e) The board shall issue a receipt to each landscape architect promptly upon payment of the annual license fee.

"§ 34-17-25. The fees prescribed by this chapter shall be in the following amounts:

"(1) The application fee for examination is $125.00.

"(2) The fee for an original certificate is $35.00.

"(3) The fee for a temporary certificate is $100.00.

"(4) The fee for a duplicate certificate is $20.00.

"(5) The annual license fee is $50.00.

"(6) The penalty fee is $50.00, as provided in section 34-17-24 of this chapter."

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-346 S. 504—Mr. St. John

AN ACT

Relating to Winston County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1985, or upon occurrence of a vacancy in either the office of tax assessor or tax collector, there shall be a county revenue commissioner in Winston County. A commissioner shall be elected at the general election in 1984 and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county commission shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office, the county revenue commissioner shall receive an annual salary of $20,000.00 payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Winston County are hereby abolished effective the first day of October, 1985, or upon occurrence of a vacancy in the office of tax assessor or tax collector. In the event that the office of tax assessor or tax collector becomes vacant before October 1, 1985, the office of county revenue commissioner shall immediately come into being, and the remaining officer, tax assessor or tax collector, as the case may be, shall immediately assume the duties of the office of county revenue commissioner and shall perform such duties until a county revenue commissioner has been elected and has qualified as provided herein. For the performance of such duties, he shall be entitled to the salary hereinabove prescribed for the county revenue commissioner.

Section 8. It is the purpose of this act to promote the public convenience in Winston County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective upon the ratification and adoption of an amendment to the Constitution of Alabama authorizing such an act, provided that a majority of the qualified electors of Winston County voting in such constitutional amendment election approved the adoption of the amendment. If the vote in Winston County on such amendment is not favorable thereto, then this act shall have no force or effect.

Section 12. The legislature hereby declares that a vote of the qualified electors of Winston County approving the above mentioned constitutional amendment shall be deemed to be the election required by Amendment 255 of the Alabama Constitution of 1901.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-347 S. 508—Mr. Cook

AN ACT

To supplement the salary of a supernumerary Circuit District Attorney of the Tenth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. A supernumerary Circuit District Attorney of the Tenth Judicial Circuit of Alabama shall be entitled to receive as additional compensation payable from the treasury of the County within said Circuit, a sum equal to 40% of the compensation paid said supernumerary District Attorney by the State of Alabama. The salary or compensation provided for herein is supplemental to the salary or compensation paid such Supernumerary District Attorney by the state and shall be paid out of the general funds of the County in twelve equal monthly installments on warrants properly drawn against such funds.

Section 2. This act shall apply only to persons who become a supernumerary District Attorney after the effective date of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-348 S.J.R. 240—Mr. Mitchem

SENATE JOINT RESOLUTION

DECLARING THE WEEK OF MAY 30 - JUNE 5, 1982 "ALABAMA POULTRY WEEK."

WHEREAS, the poultry industry in Alabama is the largest farm industry in the state, totalling more than $700 million annually and accounting for over 30% of the total agriculture income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and sixth in the production of eggs; and

WHEREAS, Cliff Clegg, Jr. of Heflin, Alabama has served as Chairman of the Board of the Alabama Poultry and Egg Association with dedication, honor and utmost ethical standards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That the week of May 30-June 5, 1982 is hereby declared "Alabama Poultry Week."

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-349 S.J.R. 241—Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DOCTOR EMMETT T. BRUNSON, PROMINENT ENTERPRISE PHYSICIAN AND A DISTINGUISHED ALABAMIAN.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Doctor Emmett T. Brunson of Enterprise, Alabama, on March 30, 1982; and

WHEREAS, Dr. Brunson, the son of Emmett Treadwell and Foye Thomas Brunson, was, as his father before him, a truly gifted physician beloved of the thousands of patients he treated with skill and kindness and in greatest compassion for their pain and suffering; and

WHEREAS, eminently qualified, Dr. Brunson received both his B.S. and M.D. Degrees from Atlanta's Emory University; his internship, completed at University Hospital in Birmingham, was followed by a 3-year residency in Internal Medicine, also at University Hospital, and by a two-year tour of duty with the United States Air Force; and

WHEREAS, Dr. Brunson's first medical association in Enterprise was with Gibson Hospital in 1956, in service as an extern; he joined the staff in 1963 and later occupied the new office and clinical facilities of Enterprise Medical Clinic; he was a member of the Coffee County, Alabama and American Medical Association, a trustee of the E. L. Gibson Foundation and had served as Chief of Staff of Enterprise Medical Clinic and Coffee General Hospital, and on the staffs of the Enterprise Hospital and Nursing Home as well; and

WHEREAS, a deacon and member of the adult choir of the First Baptist Church, Dr. Brunson had further been civically involved as a member of the boards of directors of Southland Broilers, Elba Exchange Bank and National Security Insurance Company; and

WHEREAS, Dr. Emmett Brunson, who once served the Legislature as physician of the day, lived a life of dignity and one of love and compassion for his family and fellowman; his life was exemplary in its service to others and his beloved Enterprise is a community made better by his presence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That though we grievously mourn the death of Dr. Emmett Brunson of Enterprise, Alabama, we also give thanks for his having lived; we further extend our most heartfelt sympathy to his wife, Mrs. Jackie Brunson, to their two sons, Emmett and Eric, their daughter, Beth, and other family members to whom a copy of this resolution shall be sent.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-350 S.J.R. 245—Mr. Pearson

SENATE JOINT RESOLUTION

COMMENDING CRIMSON TIDE BASKETBALL STAR, EDDIE PHILLIPS, OF BIRMINGHAM, ALABAMA.

WHEREAS, Mr. Eddie Phillips of Birmingham, Alabama, one of the finest all-round scholars, athletes and gentlemen ever to graduate from Parker High School, played for the Alabama Crimson Tide where he compiled a phenomenal basketball record; and

WHEREAS, first named SEC Freshman of the Year in 1979, he was then three times selected to the All-SEC Team, led the Southeastern Conference in rebounds in 1981, and was named to the 1982 All-Tournament Team; and

WHEREAS, he also tied the University's record by starting in 121 games, was the all-time second leading scorer for the Tide with 1937 points, and led the team for three years in scoring and rebounding; and

WHEREAS, Eddie Phillips, who averaged 15.9 points and 9.3 rebounds per game, scored in double figures 50 times during his collegiate career; he further scored the winning basket in Alabama's 1982 win over Kentucky and his career high of 32 points was achieved during this past season's triumph over LSU; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Eddie Phillips of Birmingham, Alabama,

as one of our state's most outstanding athletes and direct that he receive a copy of this resolution in declaration of our sincere regard and in expression of our warm best wishes for every continued success.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-351 S.J.R. 251—Mr. Goodwin

SENATE JOINT RESOLUTION

COMMENDING GORDON R. SHEWMAKE, ALABAMA STATE COMMANDER OF THE VETERANS OF FOREIGN WARS.

WHEREAS, the Legislature of Alabama takes great pride in noting the numerous accomplishments and contributions of Mr. Gordon R. Shewmake, Alabama State Commander of the Veterans of Foreign Wars; and

WHEREAS, a native of Montgomery, Alabama, he entered the Army Air Corps in 1946 and served with the Occupation Forces in Japan; he served in Korea for 17 months, in Utapeo, Thailand, during the Viet Nam Conflict and, after 23 years of active service, retired in 1969; and

WHEREAS, Commander Shewmake has been dedicated to the Veterans of Alabama and to providing service to their widows and orphans as a member of the Veterans of Foreign Wars for over 30 years; and

WHEREAS, he has served the V.F.W. in numerous capacities including Trustee, Junior Vice Commander, Senior Vice Commander and as Commander in 1977-78; Chairman, Poster-Illustration Contest (Handicapped) in 1978-79; National Aide-de-Camp to the Commander in Chief 1978-79; State Junior Vice Commander, State Senior Vice Commander, and was elected State Commander at the State Convention held in Birmingham, June 28, 1981, for the year 1981-82; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate State Commander Gordon R. Shewmake, from Selma Post 3016, for his outstanding service and contributions to the veterans of our state and direct that he receive a copy of this resolution as evidence of our esteem, appreciation and praise.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-352 H. 306—Rep. McMillan

AN ACT

To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto in Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Satsuma, Mobile County, Alabama, be and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Satsuma and is addition thereto the following described territory, to-wit:

That certain real property situated in Mobile County being more particularly described as follows: to wit:

Beginning at the Southwest corner of Section 21, Township 2 South, Range 1 West and run Northwardly along the West line of Section 21 to a point, said point being the Northwest corner of Section 21 and the Southwest corner of Section 16, Township 2 South, Range 1 West; thence continue Northwardly along the West line of said Section 16 to a point, said point being the Northwest corner of Section 16 and the Southwest corner of Section 9, Township 2 South, Range 1 West; thence run Eastwardly along the North line of Section 16 to a point, said point being the Northeast corner of Section 16 and the Northwest corner of Section 15, Township 2 South, Range 1 West; thence continue Eastwardly along the North line of said Section 15 to a point, said point being the Northeast corner of Section 15 and the Northwest corner of Section 14, Township 2 South, Range 1 West; thence continue Eastwardly along the North line of said Section 14 to a point, said point being the intersection of said North line of Section 14 and the North right-of-way line of Interstate 65, thence run Northeastwardly along said North right-of-way line of Interstate 65 to a point, said point being the intersection of said North right-of-way line of Interstate 65 and the West right-of-way line of U. S. Highway No. 43; thence continue Northeastwardly along said West right-of-way line of U. S. Highway No. 43 to a point, said point being the intersection of said West right-of-way line of U. S. Highway No. 43 and the centerline of Gunnison Creek; thence run Southeastwardly along the centerline of said Gunnison Creek to a point, said point being the intersection of said centerline of Gunnison Creek and the East line of Section 14, Township 2 South, Range 1 West; thence run Southwardly along the East line of Section 14 to a point, said point being located 660 feet north of the north line of the Southeast Quarter of Section 14, Township 2 South, Range 1

West; thence run Westwardly a distance of 330 feet to a point; thence run Southwardly and parallel to the East line of Section 14 a distance of 660 feet to a point, thence run Westwardly along the North line of the Southeast Quarter of Section 14, Township 2 South, Range 1 West to a point, said point being the intersection of said North line of the Southeast Quarter of Section 14 and the easterly right-of way line of Interstate 65, thence run Southwestwardly along the easterly right-of-way line of Interstate 65 to a point on the North line of Section 22, Township 2 South, Range 1 West, thence run Westwardly along the North line of Section 22 to a point, said point being the Northwest corner of Section 22, thence run southwardly along the West line of said Section 22, to a point, said point being the Southwest corner of Section 22 and the Southeast corner of Section 21, Township 2 South, Range 1 West, thence run Westwardly along the South line of Section 21 to the point of beginning. Provided, further, all property located North of Interstate Highway 65 and located in Section 11 or 12, is specifically excluded from this description.

Provided, however, all property located within Section 14, 15 and 16 is specifically excluded from this description. Provided further, any revenue generated from existing oil or gas wells as of the effective date of this act shall continue to be distributed as said revenue is currently distributed.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-353 H. 373—Rep. Roberts

AN ACT

To amend section 41-16-27, Code of Alabama 1975, so as to add factors to be considered in the letting of certain contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-27, Code of Alabama 1975, is hereby amended to read as follows:

"§ 41-16-27. (a) When purchases are required to be made through competitive bidding, award shall, except as provided in subsection (e), be made to the lowest responsible bidder taking into

consideration the qualities of the commodities proposed to be supplied, their conformity with specifications, the purposes for which required, the terms of delivery, transportation charges and the dates of delivery provided, that the awarding authority may at any time within five days after the bids are opened negotiate and award the contract to anyone, provided he secures a price at least five percent under the low acceptable bid. The award of such a negotiated contract shall be subject to approval by the Director of Finance and the Governor. The awarding authority or requisitioning agency shall have the right to reject any bid if the price is deemed excessive or quality of product inferior.

"(b) Each bid, with the name of the bidder, shall be entered on a record. Each record, with the successful bid indicated thereon and with the reasons for the award if not awarded to the lowest bidder shall, after award of the order or contract, be open to public inspection.

"(c) The purchasing agent in the purchase of or contract for personal property or contractual services shall give preference, provided there is no sacrifice or loss in price or quality, to commodities produced in Alabama or sold by Alabama persons, firms or corporations.

"(d) Contracts for the purchase of personal property or contractual services shall be let for periods not greater than one year.

"(e) Contracts for the purchase of services for receiving, processing, and paying claims for services rendered recipients of the Alabama Medicaid Program authorized under section 22-6-7 which are required to be competitively bid may be awarded to the bidder whose proposal is most advantageous to the state, taking into consideration cost factors, program suitability factors (technical factors) including understanding of program requirements, management plan, excellence of program design, key personnel, corporate or company resources and designated location, and other factors including financial condition and capability of the bidder, corporate experience and past performance and priority of the business to insure the contract awarded is the best for the purposes required. Each of these criteria shall be given relative weight value as designated in the invitation to bid, with price retaining the most significant weight. Responsiveness to the bid shall be scored for each designated criteria. If, for reasons cited above, the bid selected is not from the lowest bidding contractor, the Alabama Medicaid Agency shall present its reasons for not recommending award to the low bidder to the Medicaid Interim Committee. The committee shall evaluate the findings of the Alabama Medicaid Agency and must, by resolution, approve the action of the awarding authority before final awarding of any such

contract. The committee shall also hear any valid appeals against the recommendation of the Alabama Medicaid Agency from the low bid contractor(s) whose bid was not selected."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-354 H. 437—Rep. Moore

AN ACT

Relating to Shelby County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court action, instituted outside the State of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Shelby County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of $20.00 in the service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or criminal action instituted outside the State of Alabama, whether at law or equity. Said costs shall be collected in the same manner as other court costs in actions instituted or arising outside the State of Alabama.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Shelby County, designated for the "Sheriff's Department Fund".

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in pari materia with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-355 H. 601—Reps. Smith (J), Riddick

AN ACT

Relating to Madison County; prescribing certain bond requirements for bondsmen and the criteria for determining such requirements.

Be It Enacted by the Legislature of Alabama:

Section 1. Every person engaged in the business of making bail bonds in Madison County, Alabama, shall, in addition to the $25,000 surety requirement of Section 15-13-22 of the Code of Alabama 1975, be required to furnish a bond with corporate surety in an amount to be set by the clerk of the circuit court of Madison County. The circuit clerk shall use the following criteria in determining the amount of bond to be required:

(1) The monetary total of all bonds issued by the bondsman which are outstanding as of July 1 of each year;

(2) The monetary total of all unpaid final judgments rendered against the bondsman during that year;

(3) The general cooperation exhibited by the bondsman in his relations with judges, the district attorney, the circuit clerk and other court-related officers and employers.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-356 H. 710—Reps. Holmes, Wyatt

AN ACT

Relating to Montgomery County; to provide an additional expense allowance for the members of the Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Montgomery County Board of Education shall receive an additional expense allowance in the amount of $225.00 per month. Said expense allowance shall be paid out of the same funds that other salaries and expenses of the board members are now paid. Said expense allowance shall be in addition to any and all other salary, compensation and expense allowances now provided for by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-357 H. 738—Reps. Moore, Waggoner, Smith (C)

AN ACT

Relating to Shelby County; providing for an increase in salary for the part-time bailiffs of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Shelby County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each part-time bailiff an increase in salary in such an amount as will, together with any amount paid by the state as salary, compensation or expense allowance, make the total paid to such bailiffs equal fifty dollars ($50) per day. If at any time in the future, as compensation or expense allowance increases are made by the state, then the amount paid to such bailiffs shall be increased in that amount.

Section 2. The amount paid under the provisions of this act shall be paid out of the county general fund and shall be paid only when the bailiffs serve as such.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-358 H. 739—Reps. Moore, Waggoner, Smith (C)

AN ACT

Relating to Shelby County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Shelby County shall not receive for record or permit the recording of any instrument in which the title to real property is conveyed, unless such instrument has endorsed on it a printed, typewritten or stamped statement, stating the mailing address of the grantor or grantee, respectively, or contains a statement of such addresses in the body of the instrument.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-359 H. 753—Rep. Clark (G)

AN ACT

To levy additional county sales and use taxes in Pickens County for public school purposes in said county; to provide for the collection, distribution, and use of such taxes; to provide for the enforcement of the Act; to provide for severability; to provide the effective date hereof and for the substitution of the taxes levied hereby; and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There are hereby levied and imposed in Pickens County, county privilege or license or excise taxes in addition to all such taxes heretofore authorized and levied therein, such taxes to be determined by the application of rates hereinafter specified, as follows:

(a) Upon every person, firm, or corporation engaged or continuing within Pickens County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging

or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

(b) Upon every person, firm, or corporation engaged or continuing within Pickens County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Pickens County, an amount equal to one per cent of the gross receipts of any such business.

(c) Upon every person, firm, or corporation engaged or continuing within Pickens County in the business of selling at retail any automotive vehicle, truck trailer, semi-trailer, or house trailer, an amount equal to one-third (1/3) of one per cent of the gross proceeds of the sale of said automotive vehicle, truck trailer, semi-trailer, or house trailer. Provided, that where any used automotive vehicle or truck trailer, semi-trailer, or house trailer, is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

Section 2. (a) An excise tax is hereby imposed on the storage, use or other consumption in Pickens County of tangible personal property purchased at retail on or after the date this Act becomes effective, for storage, use or other consumption in such county at the rate of one per cent of the sales price of such property, except as otherwise provided as follows:

(b) An excise tax is hereby imposed on the storage, use or other consumption in Pickens County of any automotive vehicle, truck trailer, semi-trailer, or house trailer, purchased at retail on or after

the date this Act becomes effective, for storage, use or other consumption in Pickens County, at the rate of one-third (1/3) of one per cent of the sales price of such automotive vehicle, truck trailer, semi-trailer, or house trailer.

(c) Every person storing, using, or otherwise consuming in Pickens County any tangible personal property purchased at retail shall be liable for the tax imposed by subsection (a) or (b), above, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county showing the payment of the tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 3. The taxes levied by this Act shall be subject to all definitions, exemptions, proceedings, rules, regulations, requirements, fines, penalties, punishments, and deductions as are provided in Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, the state sales tax law, and Article 2, Chapter 23, Title 11, Code of Alabama 1975, the state use tax law, and all acts supplementary thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof. The taxes levied herein shall be added to the sales price of property sold, and shall be collected from the purchaser, so that the impact of the taxes will be on the consumer rather than on the retailer.

(a) Exempted from the provisions of this Act are the gross proceeds of the sale of machines in Pickens County used in mining, compounding, processing, and manufacturing of tangible personal property; provided, that the term "machines", as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and are customarily so used.

(b) No excise tax may be imposed upon the storage, use, or other consumption in Pickens County on any machine used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property; provided that the term "machines", as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machine attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operaton of such machines and are customarily so used.

(c) There are exempted from the provisions of this Act, the gross proceeds of all sales of laboratory materials, dentures, and appliances and other therapeutic devices, sold, dispensed or transferred by a licensed dentist in conjunction with or as a part of his professional services; and all eyewear, including lenses, frames, eyeglasses or other therapeutic devices sold, dispensed or transferred by a licensed optometrist as a part of his professional services. For the purposes of this Act, the dispensing of transference of such materials, dentures, oral appliances or other therapeutic devices by a licensed dentist to his patient, or of such eyewear including lenses, frames, eyeglasses or other therapeutic devices by a licensed optometrist to this patient shall not be deemed to constitute a sale. The use, storage or consumption of such materials, dentures, oral appliances and therapeutic devices by a dentist, or such eyewear, including lenses, frames, eyeglasses or other therapeutic devices by an optometrist in rendering professional services to their patients shall be exempted from the provisions of Section 2 of this Act.

Section 4. (a) The taxes levied by this Act shall be collected by the Department of Revenue of the State of Alabama, at the same time and along with the collection by that department of taxes levied and collected for the State of Alabama under the provisions of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, and all acts amendatory thereof or supplementary thereto. All reports now required to be made to the Commissioner of Revenue hereunder shall, on request made to the department of revenue, be made available for inspection by the Pickens County Commission or its designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the county taxes levied by this Act, and shall have all the authority and duties in connection with such taxes as are now given by the law to the Department of Revenue or the Commissioner of Revenue in connection with the collection of the state sales and use taxes provided for by the aforesaid Chapter 23, and all acts amendatory thereof or supplementary thereto. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all taxes collected under this Act; and on or before the tenth day of the following month, the Commissioner shall certify to the State Comptroller the amount of special taxes collected under the provisions of this Act for the use and benefit of Pickens County during the calendar month immediately preceding the month of making such certificate. Whereupon, it shall be the duty of the Comptroller to issue his warrant on the State Treasury, payable to Pickens County, in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of Pickens County and paid into the State Treasury.

(b) The State Department of Revenue shall charge Pickens County for collecting the special taxes levied by this Act such amount of percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Pickens County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes shall be deducted once each month from the special sales and special use taxes collected before certifying the amount of special sales and special use taxes due Pickens County for that month.

Section 5. All revenues arising from the taxes herein levied shall be used exclusively and solely for public school purposes within Pickens County, Alabama, including payment of principal of and interest on any obligations issued for public school purposes by Pickens County, Alabama, or by the Board of Education of Pickens County, Alabama, and payment of all expenses, costs, fees and commissions which may be incurred with respect to the issuance of any such obligations.

Section 6. The taxes levied by this Act, together with the interest and penalties which are authorized herein by the incorporation by reference to the state sales and use tax laws, shall be a lien upon the property of any person, firm or corporation liable for taxes under the provisions of this Act, and all of the provisions of the revenue laws of the State of Alabama applying to or relating to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of taxes levied by this Act. The taxes levied by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in Pickens County.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed, but nothing herein shall be construed as repealing Act No. 171 of the 1965 Regular Session of the Legislature, or Acts Nos. 510 and 511 of the 1975 Regular Session of the Legislature.

Section 9. This Act shall become effective on the first day of the second month succeeding the month during which this Act becomes law. Upon the effective date of this Act, the resolution and order of the Pickens County Commission adopted on August 11, 1981, levying taxes corresponding to those levied hereby, shall no longer be effective, except with respect to rights and obligations that shall theretofore have vested thereunder, and the taxes levied hereby shall

be substituted for those levied by the said resolution and order.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-360 H. 763—Rep. Langford

AN ACT

Relating to Montgomery County, Alabama; providing for an expense allowance for the tax assessor and tax collector; providing for the termination of such allowance; and establishing the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and tax collector of Montgomery County, Alabama, shall receive an expense allowance of Seven Thousand Five Hundred and no/100 ($7500.00) Dollars per annum, payable from the county general fund in equal installments, such installments to be paid at the same time said officials' salaries are paid.

Section 2. This Act shall become effective on January 1, 1983 and upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall terminate and be null and void after September 30, 1985.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-361 H. 766—Rep. Cobb

AN ACT

Relating to Marion County; to provide further for the compensation of the employees of the sheriff's office.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marion County, all employees of the sheriff's office shall receive pay increases at the same time and in the same percentages as pay increases that are granted to state merit system employees by the legislature. Provided, however, that the compensation of said employees shall never be reduced by any of the provisions of this Act or any interpretation thereof.

Section 2. Said pay increases shall be paid out of the same funds from which said employees receive their present compensation.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-362 H. 772—Rep. Willis

AN ACT

To provide for the minimum compensation for all deputy sheriffs in Calhoun County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of all deputy sheriffs in Calhoun County shall not be less than that of a state trooper with equal time in grade. Provided, that no person during the first year after the effective date of this act shall receive over 85% of the salary paid the rank of "trooper" on the state trooper pay scale. Beginning with the second year of service, said persons shall receive full-scale salary increases.

Section 2. In addition to the compensation referred to in Section 1 of this act, all deputy sheriffs of Calhoun County, shall be entitled to such subsistences or allowances as that of a state trooper.

Section 3. All compensation and subsistences or allowances shall be paid out of county funds.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on October 1, 1982, provided a constitutional amendment authorizing the altering of court costs in Calhoun County is adopted prior thereto, effective and constitutional.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-363 H. 805—Reps. Adams (C), Whatley

AN ACT

Relating to Russell County; repealing Act No. 436, H. 923, 1975 Regular Session (Acts 1975, p. 1048), which provides for the jurisdiction of the Inferior Court, the compensation of the judge and constables, and the duties of the clerk of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 436, H. 923, 1975 Regular Session (Acts 1975, p. 1048), entitled, "An Act Relating to Russell County; to prescribe the civil jurisdiction and the trial tax rate of the Inferior Court; to provide for the compensation and expense allowances of the judge and constables presiding over said court; to provide that the clerk of the circuit court of said county shall also serve as the ex officio clerk of the Inferior Court and to repeal all conflicting statutes," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-364 H. 806—Reps. Adams (C), Whatley

AN ACT

Relating to Russell County; repealing Act No. 502, H. 2087, 1971 Regular Session (Acts 1971, p. 1220), which is a population based bill that provides for the compensation of the judges, constables and clerks of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 502, H. 2087, 1971 Regular Session (Acts 1971, p. 1220), entitled, "An Act Relating to inferior courts in lieu of all justices of the peace in a precinct in all counties having populations of not less than 42,000 nor more than 49,500 according to the most recent federal decennial census; prescribing and regulating the compensation and allowances of the judges of such courts and of the constables serving such courts; and providing for the clerks of the circuit court in such counties to serve as clerks of such inferior courts, prescribing the duties and compensation of such clerks," is hereby repealed.

Section 2. This Act shall become effective on November 1, 1982.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-365

H. 808—Reps. Gafford, Waggoner, Moore, Biddle, Boles, Amari, Howard, Bennett, Cheatwood, Cabaniss, Jackson, Olive, Payne, Trammell, Lewis, Horn, Seibels, Escott, Nevett

AN ACT

Relating to Jefferson County; providing further for an additional expense allowance of the tax assessor, payable from the general fund of the county; providing for retroactive effect and an expiration date.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, the tax assessor is hereby entitled to receive an additional annual expense allowance of $12,000. Said expense allowance shall be in addition to any and all other compensation, salary and expense allowances heretofore provided by law and shall be payable from the general fund of the county in the same manner as other county officials are paid.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed only to the extent of such conflict.

Section 3. This act shall become effective retroactively to June 1, 1980. The provisions of this act shall become null and void upon the expiration of the term of the incumbent tax assessor on September 30, 1985.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-366

H. 814—Rep. Campbell

AN ACT

To amend Act No. 79-157, S. 222, 1979 Regular Session (Acts 1979, p. 256), which act establishes a policemen's and firemen's retirement fund for the City of Anniston, so as to empower the Board of Trustees with the authority to amend the benefit formula contained in said act; to empower the Board to employ the services of an actuary and to provide for the minimum qualifications of such actuary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 79-157, S. 222, 1979 Regular Session (Acts 1979, p. 256), is hereby amended to read in its entirety:

"Section 5. The Board shall be the trustee of the fund and shall have exclusive management and control thereof. It shall have the

power to adopt and enforce necessary rules and regulations to carry out the purposes of this act and to enable it properly to manage and administer the fund. The Board shall have the power to increase the benefits provided in Sections 12 and 13 hereof by increasing the percentage of the average of the retiree's monthly income for the last five years preceding his retirement, as such percentage relates to the remainder of the benefit formula contained in said sections; provided, however, that the amount by which benefits shall be increased for active members of the fund shall automatically increase the benefits of retirees receiving benefits hereunder in a like percentage.

"The Board shall hear and decide all applications for pensions and benefits under this act and its decisions shall be final except as hereinafter provided. The Board shall meet upon the call of the chairman, but in no event, less than once in each calendar quarter. The chairman shall call a meeting of the Board within ten days after the receipt of a claim or complaint hereunder.

"The Board shall have the power to employ the services of an actuary to advise the Board on all actuarial matters pertaining to the fund. Such actuary shall possess the following as minimum qualifications:

"(a) He must be an enrolled actuary under the provisions of the Employee Retirement Income Society Act of 1974.

"(b) The actuary must be a Fellow of the Society of Actuaries or employed by an actuarial firm which employs a Fellow of the Society of Actuaries. In addition to all other duties which he may be called upon to perform, the actuary employed hereunder shall periodically advise the Board, in writing, as to the amount (if any) by which the benefits allowed hereunder by Sections 12 and 13 may be increased without affecting the actuarial soundness of the fund. The actuary's opinion of such increases shall be binding and the Board shall forthwith increase benefits in accordance with its powers hereinabove stated."

Section 2. This act shall become effective on the first day of the month next succeeding its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-367 H.J.R. 383—Reps. Harper (T), Bedsole, Penry, McMillan, Buskey, Stewart,

Warren, Clark (W), Zoghby,
Parker, Kennedy

HOUSE JOINT RESOLUTION

NAMING OF A NEW BOAT RAMP IN MT. VERNON, ALABAMA AFTER REPRESENTATIVE J. E. TURNER.

WHEREAS, The Honorable J. E. Turner serves District 96 of Mobile and Washington County; and

WHEREAS, he has served his district well with loyal dedication and in the best interests of his fellow citizens, and,

WHEREAS, through his tireless efforts was successful in obtaining $50,000 for the construction of a new boat ramp at Mt. Vernon in Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation for dedicated public service and achievement, we hereby name and designate the ramp at Fort Stoddard in Mount Vernon, Alabama as the J. E. Turner Boat Ramp.

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said Boat Ramp as the J. E. Turner Boat Ramp.

RESOLVED FURTHER, That a copy of this resolution be given to Representative J. E. Turner as a memento of this honorary designation of the Alabama Legislature.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-368 H. 523—Reps. Cosby, Edwards

AN ACT

To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses and other payments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-9-252 of the Code of Alabama 1975 is hereby further amended to read as follows:

"§ 41-9-252. There is hereby established an advisory committee to be known as the Cahaba Advisory Committee. The committee shall be composed of 16 members, 15 of whom shall be appointed by the governor. The probate judge of Dallas County shall be the sixteenth member but shall be a member ex officio and shall not be entitled to a vote on the advisory committee. The trustees shall serve for terms of four years each, and the probate judge shall serve throughout his term of office. Members of the advisory committee shall be appointed so that each congressional district shall be represented by one appointed member on the advisory committee; except, that the congressional district in which Cahaba is situated shall be represented by eight appointed members, five of whom shall be residents of Dallas County and three of whom shall be from some other county in such congressional district. The advisory committee shall select one of its members who is a resident of Dallas County as secretary of the committee. The offices of the Selma and Dallas County chambers of commerce shall be designated as the official office of the committee, and all records, reports and files of the commission shall be maintained therein, except financial records which shall be maintained as hereinafter provided. Members of the advisory committee shall serve without compensation other than payment of a per diem allowance and travel expenses incurred in attending meetings of the advisory committee or in performing any actual service under the direction of the advisory committee, such expenses to be paid in accordance with article 2 of chapter 7 of Title 36, after the account for such expense has been approved by the Judge of Probate of Dallas County. All remaining funds appropriated for 1981 - 82 to the Cahaba Historical Commission shall be transferred quarterly to the Judge of Probate, Dallas County, by the state comptroller. All expense reimbursements and any other payments shall be made promptly by the Judge of Probate of Dallas County on behalf of the Cahaba Advisory Committee. He shall keep all financial records. The judge of probate is authorized to establish and maintain a bank account on behalf of said committee and to draw warrants for any lawful expenditures therefrom. The advisory committee shall advise the Alabama Historical Commission regarding the restoration and the development of the site. All future appropriations for the Cahaba Historical Resources Management Program shall be made to the Cahaba Advisory Committee and disbursed in accordance with this Act."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-369 H. 544—Rep. Langford

AN ACT

Relating to Montgomery County; providing further for the salary of the district judges, effective upon the next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Each district judge in Montgomery County shall be entitled to receive supplemental pay in the total sum of $11,500 per year. Such supplemental pay shall be paid out of the county general fund in equal installments in the same manner as other supplemental salary payments are made and shall be in addition to that salary prescribed by law to be paid such district judge from the state treasury.

Section 2. The provisions of this Act shall have no force and effect and shall be null and void if the report of the Judicial Compensation Commission becomes law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-370 H. 663—Rep. McKee

AN ACT

To amend portions of the Alabama Unemployment Compensation Act contained in Sections 25-4-75 and 25-4-140, Code of Alabama 1975, as last amended, so as to comply with the mandatory provisions of Public Law 97-35, relating to unemployment compensation; the extended benefit program; to permit assignment of benefits in connection with child support obligation and to provide for the deduction of, and

subsequent payment to state and local child support enforcement agencies, amounts authorized by an agreement by an obligee or upon order of a court and to correct an error incorporated in Act 81-424, Regular Session, 1981, amending Section 25-4-75.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-75, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-75. Extension of benefit period.—

(a) APPLICABILITY OF SECTION.—Notwithstanding any other provisions of this chapter, the duration of benefits as provided in section 25-4-74 shall be extended as provided in this section.

(b) DEFINITIONS.—As used in this section, unless the context clearly requires otherwise, the following terms shall mean:

(1) EXTENDED BENEFIT PERIOD. A period which:

a. Begins with the third week after a week for which there is a state "on" indicator; and

b. Ends with either of the following weeks, whichever occurs later:

1. The third week after the first week for which there is a state "off" indicator; or

2. The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) STATE "ON" INDICATOR. There is a "state 'on' inicator" for this state for a week if the director determines, in accordance with the regulations of the U.S. secretary of labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this section:

a. For any weeks beginning prior to September 26, 1982, equaled or exceeded that required by this section prior to such date.

b. For any week beginning on September 26, 1982 or thereafter—

1. Equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years; and

2. Equaled or exceeded five percent; provided, that with respect to benefits for weeks of unemployment beginning after September 25, 1982, the determination of whether there has been a "state 'on'

indicator" beginning any extended benefit period shall be made under this paragraph b as if this paragraph b did not contain subparagraph 1 thereof and the figure "5" contained in subparagraph 2 thereof were "6".

(3) STATE "OFF" INDICATOR. There is a "state 'off' indicator" for this state for a week if the director determines, in accordance with the regulations of the U.S. secretary of labor, that for the period consisting of such week and the immediately preceding 12 weeks,

a. for any weeks beginning prior to September 26, 1982, the rate of insured unemployment under this section was less than that required by this section prior to such date.

b. for any weeks beginning on September 26, 1982, or thereafter, the requirements of either subparagraph 1 or 2 of paragraph (2) b of this subsection (b) where not satisfied, except that the 6% provision does not apply in determining an "off" indicator.

(4) RATE OF INSURED UNEMPLOYMENT. For the purpose of subdivisions (2) and (3) of this subsection (b), such term means the percentage derived by dividing:

a. The average weekly number of individuals filing claims for regular state benefits in this state for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the director on the basis of his reports to the U.S. secretary of labor, by

b. The average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

(5) REGULAR BENEFITS. Benefits payable to an individual under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. 85), other than extended benefits.

(6) EXTENDED BENEFITS. Benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. 85) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

(7) ELIGIBILITY PERIOD OF AN INDIVIDUAL. The period consisting of the weeks in his benefit year which begin in an extended period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period.

(8) EXHAUSTEE. An individual who, with respect to any

week of unemployment in his eligibility period:

a. Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. 85) in his current benefit year that includes such week; provided, that for the purposes of this subdivision (8), an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

b. His benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and

c. 1. Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the U.S. secretary of labor; and

2. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but, if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee.

(9) STATE LAW. The unemployment insurance law of any state, approved by the U.S. secretary of labor under section 3304 of the Internal Revenue Code of 1954.

(c) EFFECT OF STATE LAW PROVISIONS RELATING TO REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF, EXTENDED BENEFITS.–Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of this chapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(d) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.–An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the director finds that with respect to such week:

(1) He is an "exhaustee," as defined in subdivision (b) (8) of this section.

(2) He has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipts of benefits.

(e) WEEKLY EXTENDED BENEFIT AMOUNT.–The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

(f) TOTAL EXTENDED BENEFIT AMOUNT.–The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be 50 percent, rounded to the nearest multiple of $1.00, of the total amount of regular benefits which were payable to him under this chapter in his applicable benefit year.

(g) BEGINNING AND TERMINATION OF EXTENDED BENEFIT PERIOD.–

(1) Whenever an extended benefit period is to become effective in this state, as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator, the director shall make an appropriate public announcement.

(2) Computations required by the provisions of subdivision (b)(4) of this section shall be made by the director, in accordance with regulations prescribed by the U.S. secretary of labor.

(h) CESSATION OF EXTENDED BENEFITS WHEN PAID UNDER AN INTERSTATE CLAIM IN A STATE WHERE EXTENDED BENEFIT PERIOD IS NOT IN EFFECT.–

(1) Except as provided in subdivision (2) of this subsection (h), an individual shall not be eligible for extended benefits for any week if:

a. extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate benefit payment plan, and

b. no extended benefit period is in effect for such week in such state.

(2) The provisions of subdivision (1) of this subsection (h) shall not apply with respect to the first 2 weeks for which extended benefits are payable (determined without regard to this subsection) pursuant to an interstate claim filed under the interstate benefit payment plan to the individual from his extended benefit account established for the benefit year.

(i) RESTRICTIONS ON ENTITLEMENT DURING ELIGIBILITY PERIOD.–

(1) Notwithstanding the other provisions of this section, payment of any extended benefits under this section shall not be made to any individual for any week of unemployment in his eligibility period.–

a. during which he fails to accept any offer of suitable work as defined in subdivision (3) of this subsection (i) or fails to apply for any such suitable work to which he was referred by the director; or

b. during which he fails to actively seek work.

(2) If any individual is ineligible for extended benefits for any week by reason of a failure described in subdivision (1) of this subsection (i), the individual shall be ineligible to receive extended benefits for any week during a period which

a. begins with the week following the week in which such failure occurs and

b. does not end until such individual has been employed in at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than 4 times his extended weekly benefit amount for his benefit year.

(3) For the purposes of this subsection (i), the term "suitable work" means, with respect to any individual, any work which is within such individual's capabilities; except that, if the individual furnishes evidence satisfactory to the director that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work shall be made in accordance with other provisions of this chapter.

(4) Extended benefits shall not be denied under paragraph a of subdivision (1) of this subsection (i) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work

a. if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of

1. the individual's extended weekly benefit amount for the benefit year plus

2. the amount if any of supplemental unemployment benefits (as defined in 26 USC 501(c)(17)(D)) payable to such individual for such week;

b. if the position was not offered to such individual in writing

or was not listed with the state employment service;

c. if such failure would not result in a denial of benefits under the other provisions of this chapter to the extent that such provisions are not inconsistent with subdivisions (4) and (5) of this subdivision (i); or

d. if the position pays wages less than the higher of the minimum wages provided under section 6 (a) (1) of the Fair Labor Standards Act of 1938, as amended, without regard to any exemption or the applicable state or local minimum wage, if any.

(5) For purposes of this subsection (i), an individual shall be treated as actively engaged in seeking work during any week if the individual has engaged in a systematic and sustained effort to obtain work during such week, and provides tangible evidence to the director that he has engaged in such effort during such week.

(j) REFERRAL OF EXTENDED CLAIMANT TO JOB.—Extended benefit claimants shall be referred to any available suitable work to which the definition in subdivision (4) of subsection (i) does not apply.

(k) EMPLOYMENT REQUIRED AFTER INVOLUNTARY SEPARATION.—No provision of section 25-4-78 which terminates a disqualification for regular or extended benefits because he or she has voluntarily left employment, was suspended or discharged for misconduct (in any of the degrees defined in section 25-4-78) or failed to accept an offer of or apply for suitable work shall apply for purposes of determining eligibility for extended benefits unless the disqualification imposed has been terminated based upon employment in four weeks and remuneration of an amount which equals or exceeds four times the individual's weekly amount subsequent to the effective date of such disqualification.

(l) EFFECTIVE DATE OF ADDED PROVISIONS.—The provisions of subsections (h), (i), (j), (k) and (l) of this section shall apply to weeks of unemployment which begin after March 31, 1981.

(m) EFFECT OF RECEIPT OF TRADE READJUSTMENT ALLOWANCES. Notwithstanding any other provisions of this section, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for this subsection (m), be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero) by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits."

Section 2. Section 25-4-140, Code of Alabama 1975, as last amended is hereby amended to read:

"§ 25-4-140. Assignments, etc., of right to benefits void; exemption from attachment, etc.—Any assignment, pledge or encumbrance of any right to benefits which are or may become due or payable under this chapter, except as is provided by this chapter, shall be void, and such rights to benefits shall be exempt from levy, execution, attachment or any other remedy whatsoever provided for the collection of debts. Any waiver of any exemption herein provided, unless expressly permitted by this section, shall be void."

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

Section 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-371 H. 665—Rep. McKee

AN ACT

To provide a more effective means of enforcing child support obligations by providing for withholding, under certain circumstances, of amounts from the obligee's unemployment compensation of entitlement; for the forwarding of such amounts to the child support enforcement agency; to establish the required procedures and to provide for the payment of reasonable administrative costs in connection therewith by the child support agency.

Be It Enacted by the Legislature of Alabama:

Section 1. "(a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes child support obligations as defined under subsection (g). If any such individual discloses that he or she owes child support obligations, and is determined to be eligible for unemployment compensation, the director shall notify the State or local child support enforcement agency enforcing such obligation that the

individual has been determined to be eligible for unemployment compensation.

(b) The director shall deduct and withhold from any unemployment compensation payable to an individual who owes child support obligations as defined under subsection (g).

(1) the amount specified by the individual to the director to be deducted and withheld under this subsection, if neither subdivision (2) nor (3) is applicable, or

(2) the amount (if any) determined pursuant to an agreement submitted to the director under Section 454 (20) (B) (i) of the Social Security Act by the State or local child support enforcement agency, unless subdivision (3) is applicable, or

(3) any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process (as that term is defined in Section 462 (e) of the Social Security Act) properly served upon the director.

(c) Any amount deducted and withheld under subsection (b) shall be paid by the director to the appropriate State or local child support enforcement agency.

(d) Any amount deducted and withheld under subsection (b) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the State or local child support enforcement agency in satisfaction of the individual's child support obligations.

(e) For purposes of subsections (a) through (d), the term "unemployment compensation" means any compensation payable under this Act (including amounts payable by the director pursuant to an agreement under any Federal law providing for compensation, assistance, or allowances with respect to unemployment).

(f) The provisions of this Act shall apply only if appropriate arrangements have been made for reimbursement by the State or local child support enforcement agency for the administrative costs incurred by the director under this Act which are attributable to child support obligations being enforced by the State or local child support enforcement agency.

(g) The term "child support obligations" is defined for purposes of these provisions as including only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the U.S. secretary of health and human services under Part D of Title IV of the Social Security Act.

(h) The term "State or local child support enforcement agency" as used in these provisions means any agency of this State or a political subdivision thereof operating pursuant to a plan as described in subsection (g)."

Section 2. The provisions of Section 1 shall become effective for implementation with respect to benefits paid on or after September 25, 1982.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

Section 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-372 H. 673—Rep. McKee

AN ACT

To amend section 25-4-16, 25-4-77, 25-4-78, 25-4-94, and 25-4-118, Code of Alabama 1975, as last amended, so as to include amounts of the employee's portion of state unemployment and federal social security contributions paid by the employer without deduction from the employee's pay as "wages"; to permit receipt of benefits while attending training approved under the provisions of the Trade Readjustment Act of 1974 or, under certain criteria, leaving a job to enter such training; to remove "seeking a pension" as a cause for disqualification and permit fifty (50) percent reduction of social security or railroad retirement pension payments prior to deduction from benefits; to authorize release of information on wages, employment, benefits and location of individuals to child support agencies and to public and law enforcement officials in the performance of their official duties and provide penalties for misuse thereof; to make other such amendments as are necessary to meet mandatory federal conformity provisions; to make minor administrative changes and to set the effective date for the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-16, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-16. Wages.-

(a) Prior to January 1, 1978, "wages," as used in this chapter, shall mean such remuneration as was defined in this section prior to such date.

(b) On and after January 1, 1978, "wages," as used in this chapter, shall mean every form of remuneration paid or received for personal services, including the cash value of any remuneration paid in any medium other than cash. The reasonable cash value of remuneration paid in any medium other than cash shall be determined in accordance with rules prescribed by the director; except that effective on May 28, 1980, and for the purposes of reporting and computing the amount of contributions due, back pay awarded as the result of an agreement, arbitration or order of a court of competent jurisdiction on a retroactive basis shall be considered "wages" during the calendar quarter in which such retroactive payments are made. The term "wages," however, shall not include:

(1) That part of remuneration, which after remuneration equal to $6,600.00 (or such greater amount as may be or become subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund) has been paid in a calendar year to an individual by an employer or his predecessor employer or by a combination of both the employer and his predecessor employer with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year except with respect to subdivisions (1) and (2) of subsection (a), subdivision (4) of subsection (b) and subsection (c) of section 25-4-54 and sections 25-4-71 through 25-4-75. For the purpose of this subdivision (1), the term "employment" shall include service constituting employment under any unemployment compensation law of another state or of this state.

(2) The amount of any payments (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) made to, or on behalf of an employee or any of his dependents under a plan or system established by an employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

a. Retirement; or

b. Sickness or accident disability; or

c. Medical or hospitalization expenses in connection with sickness or accident disability; or

d. Death.

(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) on account of retirement.

(4) Any payment made to, or on behalf of any employee or his beneficiary:

a. From or to a trust which meets the requirements of section 401 of the federal Internal Revenue Code and which is exempt from tax under section 501 (a) of the federal Internal Revenue Code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust; or

b. Under or to an annuity plan which, at the time of such payment, meets the requirements of section 401 (a) (3), (4), (5) and (6) of the federal Internal Revenue Code.

(5) The payment by an employer (without deduction from the remuneration of the employee) of the tax imposed upon an employee under article 3 of this chapter, or of the tax imposed upon an employee by section 3101 of the federal Internal Revenue Code, as amended, with respect only to remuneration paid to an employee for domestic service in a private home or for agricultural labor.

(6) Remuneration paid in any medium other than cash to an employee for agricultural or domestic services or for services not in the course of the employer's trade or business.

(7) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of 65, if he did not work for the employer in the period for which such payment is made.

(8) Dismissal payments which the employer is not legally required to make.

(9) Payments made into a fund by an employer to provide for supplemental unemployment benefits under a plan established to provide such benefits to employees in general, or a group or class of employees, of such employer."

Section 2. Section 25-4-77, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-77. Benefit eligibility conditions. — An unemployed individual shall be eligible to receive benefits with respect to any week only if the director finds that:

(a) He has made a claim for benefits with respect to such week in accordance with such regulations as the director may prescribe.

(b) He has registered for work at, and thereafter continued to report at, a state employment office in accordance with such regulations as the director may prescribe; except, that the director may by regulation waive or alter either or both of the requirements of this subsection (b) as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that compliance with such requirements would be oppressive, or would be inconsistent with purposes of this chapter.

(c) He is physically and mentally able to perform work of a character which he is qualified to perform by past experience or training, and he is available for such work either at a locality at which he earned wages for insured work during his base period or at a locality where it may reasonably be expected that such work may be available. Notwithstanding any of the provisions of this subsection (c), no otherwise eligible individual shall be denied benefits for any week because he or she is:

(1) enrolled in a course of training with the approval of the director. Such approval shall be conditioned upon the following:

a. The individual's skills are obsolete or such that there are minimal opportunities for employment;

b. Training is for an occupation for which there is a substantial and recurring demand;

c. Training is not a course of education for credit toward a degree;

d. The individual possesses aptitudes or skills which can be supplemented by retraining within a reasonable time;

e. The individual produces satisfactory evidence of continued attendance and satisfactory progress; or

(2) in training approved by the director under section 236 (a) (1) of the Trade Act of 1974, nor shall such individual be denied benefits (any other provision of this chapter requiring denial notwithstanding) by reason of leaving work to enter such training; provided,

a. the work left is not suitable employment as defined in subdivision (3) of this subsection (c), or

b. because of the application to any such week in training of provisions in this chapter (or any applicable federal unemployment compensation law) relating to availability for work, active search for work or refusal to accept work.

(3) For purposes of subdivision (2) of this subsection (c), and only therefor, the term "suitable employment" means with respect

to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than 80 percent of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

(d) He has been totally or partially unemployed in such week.

(e) He has during his base period been paid more than $522.00 wages for insured work and in addition been paid wages for insured work equal to or exceeding one and one-half times the total of the wages for insured work paid to him in that quarter of such base period in which such total wages were the highest; provided, however, that no otherwise eligible individual who shall have received benefits in a preceding benefit year shall be eligible to receive benefits in a succeeding benefit year unless and until such otherwise eligible individual, subsequent to the beginning date of the preceding benefit year, shall have worked in insured employment for which work he earned wages equal to at least eight times the weekly benefit amount established for such individual in the preceding benefit year."

Section 3. Section 25-4-78, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-78. Disqualifications for benefits.—An individual shall be disqualified for total or partial unemployment:

(a) LABOR DISPUTE IN PLACE OF EMPLOYMENT.—For any week in which his total or partial unemployment is directly due to a labor dispute still in active progress in the establishment in which he is or was last employed. For the purposes of this section only, the term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. This definition shall not relate to a dispute between an individual worker and his employer.

(b) VOLUNTARY QUIT WORK.—If he has left his most recent bona fide work voluntarily without good cause connected with such work.

(1) a. However, he shall not be disqualified if he was forced to leave work because he was sick or disabled, notified his employer of the fact as soon as it was reasonably practicable so to do, and returned to that employer and offered himself for work as soon as he was again able to work; provided, however, this exception shall not apply if the employer had an established leave-of-absence policy

covering sickness or disability and:

1. The individual fails to comply with same as soon as it is reasonably practicable so to do; or

2. Upon the expiration of a leave of absence shall fail to return to said employer and offer himself for work, if he shall then be able to work, or, if he is not then able to work, he fails to so notify his employer of that fact and request an extension of his said leave of absence as soon as it is reasonably practicable so to do.

b. In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the director may, or if the employer requests it, the director shall require a doctor's certificate to establish the fact or facts in doubt.

c. An established leave-of-absence policy shall be any leave-of-absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his employees.

d. Nothing herein shall be construed or interpreted as authorizing the payment of benefits to any person during, or for, unemployment due to sickness or disability or during any period in which he is on a leave of absence granted in accordance with an established leave-of-absence policy, the duration of which leave was set in accordance with his request or in accordance with a collective bargaining agreement; except, that if such leave of absence is on account of pregnancy and extends beyond the tenth week following termination of such pregnancy, the individual shall not be denied benefits under the provisions of this subsection (b) beyond such tenth week if she has given the employer three weeks notice of her desire to return to work, is then able to work and has not refused reinstatement to a job which under the provisions of subsection (e) of this section would be deemed suitable for her.

(2) When an individual is disqualified under this subsection (b):

a. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until:

1. He has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10; and

2. For which employment he has earned wages equal to at least 10 times his weekly benefit amount for the benefit year in which such disqualification is assessed.

b. The total amount of benefits to which he may otherwise be entitled as determined in accordance with sections 25-4-74 and 25-4-75

shall be reduced by an amount equal to not less than six nor more than 12 times his weekly benefit amount.

c. For the purpose of the experience rating provisions of section 25-4-54, no portion of the wages paid to him for the period of employment ending with the separation to which the disqualification applies shall be determined to be employee's or employer's benefit wages. If the individual has been separated from employment other than his most recent bona fide work under conditions which would have been disqualifying under this subsection (b) had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then no portion of the wages for the period of employment ending in such separation shall be determined to be employee's or employer's benefit wages.

(3) An individual shall not be disqualified if he left his employment and immediately returned to work with his regular employer or to employment in which he had prior existing statutory or contractual seniority or recall rights. When this exception is applied, wages paid for that period of employment immediately preceding the separation to which the exception is applied, which have not been heretofore determined to be benefit wages, shall not be determined to be employer's or employee's benefit wages for the purpose of the experience rating provisions of section 25-4-54.

(4) For the purposes of this subsection (b) and subsection (c) of this section, the director in determining the "most recent bona fide work" shall consider the duration of the most recent job or jobs, the intent of the individual and his employer as to the permanence of such work and whether separation from the immediately preceding employment was under conditions which would be disqualifying in the event such immediately preceding employment should be determined to be the most recent bona fide work.

(c) DISCHARGE FOR MISCONDUCT.–

(1) If he was discharged or removed from his work for a dishonest or criminal act committed in connection with his work or for sabotage or an act endangering the safety of others. Disqualification under this paragraph may be applied to separations prior to separation from the most recent bona fide work only if the employer has filed a notice with the director alleging that the separation was under conditions described in this subdivision (1) in such manner and within such time as the director may prescribe. When an individual is disqualified under this subdivision (1);

a. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until he has

reentered insured employment or employment of the nature described in subdivision (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10.

b. He shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him for the period of employment by the employer by whom he was employed when the disqualifying event occured.

c. For the purposes of the experience rating provisions of section 25-4-54, no portion of such wages shall be determined to be employee's or employer's benefit wages for any benefit year or base period. If, in the case of a separation prior to separation from the most recent bona fide work, the only reason disqualification under this subdivision (1) was not assessed was the failure of the employer to properly file a timely separation report with the director, but if such employer does file such a report within 15 days after the mailing of a notice of payment, then no portion of the wages paid for the period of employment ending in such prior separation shall be determined to be employee's or employer's benefit wages.

(2) If he was discharged from his most recent bona fide work for actual or threatened misconduct committed in connection with his work (other than acts mentioned in subdivision (1) of this subsection (c)) repeated after previous warning to the individual. When an individual is disqualified under this subdivision (2), or exempt from disqualification for a separation under such conditions prior to his most recent bona fide work, the effect shall be the same as provided in subsection (b) of this section for disqualification or exemption for disqualification respectively.

(3) If he was discharged from his most recent bona fide work for misconduct connected with his work (other than acts mentioned in subdivisions (1) and (2) of this subsection):

a. He shall be disqualified from receipt of benefits for the week in which he was discharged and for not less than the two nor more than the six next following weeks, as determined by the director in each case according to the seriousness of the conduct.

b. The total amount of benefits to which he may otherwise be entitled as determined in accordance with sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified multiplied by his weekly benefit amount.

c. Only one half of the wages paid to him for that period of employment immediately preceding the separation to which the dis-

qualification applies shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 25-4-54. If the individual has been separated from employment, other than his most recent bona fide work, under conditions which would have been disqualifying under subdivision (3) of this subsection (c) had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then only one half of the wages paid to him for that period of employment immediately preceding the separation shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 25-4-54.

(4) If he has been suspended as a disciplinary measure connected with his work, or for misconduct connected with his work, he shall be disqualified from benefits for the week or weeks (not to exceed four weeks) in which, or for which, he is so suspended and the total amount of benefits to which he may otherwise be entitled shall be reduced in the same manner and to the same extent as provided in paragraph (3) of this subsection (c).

(d) REVOCATION OR SUSPENSION OF REQUIRED LICENSE, ETC.—For the week in which he has become unemployed because a license, certificate, permit, bond or surety which is necessary for the performance of such employment and which he is responsible to supply has been revoked, suspended or otherwise become lost to him for a cause other than one which would fall within the meaning of subsection (c) of this section, but one which was within his power to control, guard against or prevent, and for each week thereafter until:

(1) Said license, certificate, permit, bond or surety has been restored to him and he has reapplied to his employer for employment; or

(2) He has reentered insured employment or employment of the nature described in subdivision (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10, whichever is the earlier.

(e) FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC.—If he fails, without good cause, either to apply for or to accept available suitable work or to return to his customary self-employment when so directed by the director or when he is notified of suitable work or it is offered him through a state employment office or the United States employment service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. Such disqualification shall be for a period of not less than one nor more than 10 weeks from the date of said failure. This disqualification

shall not apply unless the individual has an established benefit year, or is seeking to establish one or is seeking extended benefits at the time he fails without good cause, to do any of the acts set out in this subsection (e).

(1) In determining whether or not any work is suitable for an individual, the director shall consider

a. the degree of risk involved to his health, safety and morals, his physical fitness and prior training,

b. his experience and prior earnings,

c. his length of unemployment,

d. his prospects for securing local work in his customary occupation,

e. the distance of the available work from his residence; provided, that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if such work or employment is in the same or substantially the same locality as was his last previous regular place of employment and if the employee left such voluntarily without good cause connected with such employment.

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

a. If the position offered is vacant due directly to a strike, lockout or other labor dispute;

b. If the wages, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

c. If as a condition of being employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.

(3) Notwithstanding any other provisions of this section, benefits shall not be denied an individual, by reason of the application of the provisions of this subsection (e), with respect to any week in which he is in training with the approval of the director as described in subdivision (2) of subsection (c) of section 25-4-77.

(f) RECEIPT OF DISMISSAL OR SEPARATION ALLOWANCE, BACK PAY AWARD, ETC.—For any week with respect to which he is receiving or has received remuneration in the form of

wages in lieu of notice, a dismissal or separation allowance or back pay award.

Notwithstanding the provisions of section 25-4-91 any benefits previously paid for weeks of unemployment with respect to which back pay awards are made shall constitute an overpayment and such amounts shall be deducted from the award by the employer prior to payment to the employee and shall be transmitted promptly to the director by the employer for application against the overpayment and credit to the claimant's maximum benefit amount and prompt deposit into the fund; provided, however, the removal of any charges made against the employer as a result of such previously paid benefits shall be applied to the calendar year and the calendar quarter in which the overpayment is received by the director and no attempt shall be made to relate such a credit to the period to which the award applies. Any amount of overpayment deducted by the employer shall be subject to the same procedures for collection as is provided for contributions by section 25-4-134 of this chapter.

(g) RECEIPT OF OR APPLICATION FOR UNEMPLOYMENT COMPENSATION FROM ANOTHER STATE, ETC.—For any week with respect to which, or a part of which, he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits this disqualification shall not apply.

(h) RECEIPT OF PENSION PAYMENT.—For any week with respect to which, or a part of which, an individual has received or has, except for the determination of an exact or specific amount, been determined eligible to receive (during a period for which benefits are being claimed) governmental or other pension, retirement or retired pay, annuity, or similar periodic payment which is based on the previous work of the individual; except, that

(1) For weeks of unemployment which begin prior to the effective date of this act, as was prescribed by this subsection prior to such date, and

(2) For weeks of unemployment which begin on or after the effective date of this act, the amount of any benefits payable to an individual for any such week which begins in a period with respect to which the disqualifying provisions of this subsection (h) apply, shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity or other payment, which is reasonably attributable to such week, provided, however, such reduction required hereby shall apply to any pension, retirement or retired pay, annuity, or other similar payment only if—

a. such payment is made under a plan maintained (or contributed to) by a base period employer, and

b. in the case of such a payment not made under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), services performed for such employer by the individual after the beginning of his base period (or remuneration for such services) affect eligibility for or increase the amount of, such payment.

(3) The other provisions of this subsection (h) to the contrary notwithstanding, the amount of any pension, retirement or retired pay, annuity, or other similar periodic payment under the Social Security Act or the Railroad Retirement Act shall, prior to the deduction of such payment from any benefits due for such week, be reduced by 50 percent.

(4) If in accordance with this subsection (h) any individual is awarded pension payments retroactively covering the same period for which the individual received benefits, the retroactive payments shall constitute cause for disqualification and any benefits paid during such period shall be recovered.

(i) RECEIPT OF OR APPLICATION FOR WORKMEN'S COMPENSATION.—For any week with respect to which, or a part of which, he has received or is seeking compensation for temporary disability under any workmen's compensation law; provided, that if it is finally determined he is not entitled to such compensation, this disqualification shall not apply; and provided further, that if such compensation is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payment.

(j) EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC.—For any week that such individual is engaged or employed by the works progress administration, the national youth administration or any federal or state unit, agency or instrumentality in charge of public works, assistance through public employment or work relief.

(k) SELF-EMPLOYMENT.—For any week in which he is self-employed and each week thereafter until he shall establish that he is no longer self-employed.

(l) RECEIPT OF, OR APPLICATION FOR, TRAINING ALLOWANCE, ETC.—For any week with respect to which, or a part of which, an individual who is enrolled in a course of training with the approval of the director, within the meaning of subsection (c) of section 25-4-77, has applied for, or is entitled to receive, any wage or subsistence or training allowance or other form of remuneration,

other than reimbursement for travel expenses, for a course of training under any public or private training program; provided, that if it is finally determined that he is not entitled to such remuneration, this disqualification shall not apply. If the remuneration, the receipt of which is disqualifying under this subsection (l), is less than the weekly benefits which he would otherwise be due under this chapter he shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such remuneration. It is further provided that receipt of training allowances under the Trade Readjustment Act shall not be cause for disqualification under this subsection.

(m) PARTICIPATION IN PROFESSIONAL SPORTS.–For any week which commences during the period between two successive sport seasons (or similar periods) to any individual for which benefits claimed are on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(n) ALIENS.

(1) For any week for which benefits claimed are on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a) (7) or section 212(d) (5) of the Immigration and Nationality Act).

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence."

Section 4. Section 25-4-94, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-94. Powers and duties of industrial relations board of appeals.–

(a) The board of appeals for the department of industrial relations, created by section 25-2-12, may, on its own motion at any time before a decision of an appeals tribunal becomes final, affirm, modify or set aside any such decision on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any party in interest to initate an appeal to it. The board of appeals may remove to itself or transfer to another appeals tribunal the proceedings on any claim pending before an appeals tribunal. The board of appeals shall promptly notify in writing the parties to any proceedings of its findings and decision, together with the reasons therefor.

(b) Unless the application for appeal described in subsection (c) of section 25-4-92 is granted by the board of appeals within 10 days after its filing with it, the applicant may, within the following 10 days, take an appeal from the decision of the appeals tribunal to the circuit court of the county of the residence of the claimant.

(c) The manner in which disputed claims before the board of appeals shall be presented and the conduct of hearing and appeals before it shall be in accordance with the regulations prescribed by the board of appeals for determining the rights of the parties. At any such hearing the parties shall be afforded a reasonable opportunity for fair hearing and all testimony shall be taken down or recorded but need not be transcribed except at the direction of the board of appeals in the exercise of its judgement and discretion. No person shall participate in the hearing or disposition of any claim as a member of the board if he has an interest therein.

(d) Any decision of the board of appeals, in the absence of an appeal therefrom as provided in this article, shall become final 10 days after the date notification thereof shall have been mailed, postage prepaid, to the parties to the proceeding, at their last known addresses. The director shall be deemed to be a party to all such proceedings and to any judicial action involving any such decision."

Section 5. Section 25-4-118, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-118. Cooperation with state and federal agencies, institutions of higher education, etc.

(a) In the administration of this chapter, the director shall cooperate to the fullest extent consistent with the provisions of this chapter with the U.S. secretary of labor and his successors, and the federal internal revenue service, and, notwithstanding any other provisions of this chapter, shall make such reports in such form and containing such information as either may from time to time require, and shall comply with such provisions as the U.S. secretary of labor,

or his successors, or the federal internal revenue service may from time to time find necessary to insure the correctness and verification of such reports, and shall comply with the regulations prescribed by the U.S. secretary of labor, and his successors, governing the expenditures of such sums as may be allotted and paid to this state under Title III of the Social Security Act for the purpose of assisting in the administration of this chapter. Upon request therefor the director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter.

(b) (1) The director may make the state's records relating to the administration of this chapter available to the United States railroad retirement board and may furnish the railroad retirement board, at the expense of such board, such copies thereof as the railroad retirement board deems necessary for its purposes. Notwithstanding any other provisions of this chapter, the director may also, upon request therefor, furnish to any public agency the name, address, ordinary occupation, unemployment status and wage information of a recipient of benefits or of a recipient's rights to further benefits under this chapter and shall upon specific request furnish such information as is necessary (as determined by the U.S. secretary of agriculture or the U.S. secretary of health, education and welfare or their successors in regulations) for the purpose of determining eligibility of an individual for aid or services, or such information regarding any recipient of or party to such aid or services, or the amount of such aid or services, to needy families with children, or in connection with child support or food stamps provided such agencies make reimbursement for the administrative cost involved.

(2) For the purpose of establishing and maintaining free public employment offices, the director is authorized to enter into agreements with the United States railroad retirement board or any other agency of the United States, with any political subdivision of this state or with any private nonprofit organization, and as a part of such arrangement the director may accept moneys, services or quarters as a contribution to the employment service account.

(3) Moneys received from the United States railroad retirement board as compensation for service or facilities supplied to said board shall be paid into the unemployment compensation administration fund and the employment service fund on the same basis as expenditures are made for such services or facilities from such funds.

(c) The director may afford reasonable cooperation with any agency of the United States charged with the administration of any

unemployment insurance law.

(d) The director may, at his discretion, release information regarding employment, wages, wage rates and unemployment to institutions of higher education of this state, or a federal governmental corporation upon payment of reasonable cost therefor, for the purpose of making economic analyses; provided, that such institution or corporation agrees that information so obtained will not be published or released by it to any person or persons in such manner as to permit the identification of any specific individual or employing unit.

(e) The director may release any information authorized to be released under the provision of subsection (b) of this section to any public or law enforcement official as may be necessary for the performance of his official duties in accordance with such regulations as the director may prescribe and subject to the provision of subsection (f) of this section.

(f) Whoever willfully makes a false statement or representation to obtain any information under the authority of subsection (e) of this section, either for himself or for any other person, or uses any information for any purpose other than in the performance of his official duties or in any other manner misuses such information, shall be guilty of a misdemeanor and upon conviction therefor, shall be punished by a fine of not less than $200 nor more than $1,000, or by imprisonment for not less than three nor more than twelve months or by both such fine and imprisonment."

Section 6. All laws and parts of laws in conflict herewith are hereby repealed.

Section 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 8. This act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-373 H. 712—Rep. Albright

AN ACT

Relating to Madison County; providing expense allowances for certain county officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the first month following the effective date of this Act, upon official approval by the County Commission, the following named officials of Madison County may receive the following monthly allowances for expenses within Madison County, Alabama: Chairman, County Commission, $208.33 per month, County Commissioners $166.67 per month, Sheriff $166.67 per month.

Section 2. The allowances for expenses provided by this Act shall be paid on a monthly basis from the County treasury.

Section 3. The additional allowances for expenses provided by this Act shall be in addition to the reimbursement of actual expenses incurred by the named officials of Madison County, Alabama, outside of Madison County, Alabama, and in addition to any and all other compensation or allowances provided by law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 5. Any laws or parts of laws in conflict with the provisions of this Act are hereby repealed. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-374 H. 727—Rep. Zoghby

AN ACT

Relating to Mobile County and the members of the board of registrars; providing for the meeting dates for voter registration and voter reidentification, transportation and expense allowances for said members, and specifically repealing the following acts, all relating to meeting dates and expense allowances applicable to Mobile County Board of Registrars: Act No. 614, H. 1180, 1961 Regular Session (Acts 1961, p. 730); Act No. 113, H. 126, 1964 First Special Session (Acts 1964, p. 173); Act No. 122, S. 100, 1972 Regular Session (Acts 1972, p. 4363); Act No. 885, S. 697, 1978 Regular Session (Acts 1978, p. 1313); Act No. 79-734, 1979 Regular Session (Acts 1979, p. 1305); and repealing all laws or parts of laws in conflict with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mobile County Board of Registrars shall be available each year, between August 1 and April 30, and on the first full week of that month in each the months of May, June and July, excluding those weeks in which a legal holiday falls, at the county courthouse, or at other locations, as provided by law, for the purpose of voter registration and voter reidentification. The board members shall be available at the above-mentioned areas during the hours between 9:00 a.m. and 4:30 p.m. on regular business days or on such other days and at other hours as the board may deem necessary.

Section 2. (a) The county may provide transportation for the members of the board of registrars to and from places where any registration is being conducted in lieu of mileage expense allowances.

(b) In addition to any and all other expense allowances and compensation provided for by law, members of the board of registrars in Mobile County shall receive $20.00 per day for attending meetings of said board, to be paid out of the general fund of such counties.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. Act No. 614, H. 1180, 1961 Regular Session (Acts 1961, p.730); Act No. 113, H. 126, 1964 First Special Session (Acts 1964, p. 173); Act No. 122, S. 100, 1972 Regular Session (Acts 1972, p. 4363); Act No. 885, S. 697, 1978 Regular Session (Acts 1978, p. 1313); Act No. 79-734, 1979 Regular Session (Acts 1979, p. 1305) are hereby specifically repealed, and all laws or parts of laws in conflict with the provisions of this act to the extent of such conflict are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-375 H. 749—Rep. Hall

AN ACT

Relating to Madison County; authorizing the sheriff to charge a fee for fingerprinting certain persons; and providing for the distribution and auditing of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Madison County is hereby authorized to charge a fee of five dollars ($5.00) for fingerprinting of persons for passport identification, employment purposes or other personal reasons. Provided, however, said fee shall not be charged if fingerprinting is performed for a public purpose or on behalf of a public entity.

Section 2. The moneys collected under the provisions of this Act shall be paid into the county general fund and pledged exclusively for law enforcement purposes. Said money shall be expended only as directed by the sheriff for improvement of law enforcement within the county.

Section 3. The State Examiners of Public Accounts is hereby authorized to audit said moneys annually and submit a copy of said audit to the sheriff within 30 days of its completion.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-376 H. 750—Rep. Hall

AN ACT

Relating to Madison County; authorizing the sheriff to operate a jail store; and providing for the distribution and auditing of moneys earned.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Madison County is hereby authorized to operate a jail store within the confines of the county jail. Said jail store shall be operated to serve the needs of the county jail population.

Section 2. All funds generated by said jail store after business and operating expenses have been deducted shall be paid into the county general fund and pledged exclusively for law enforcement

purposes. Said money shall be expended only as directed by the sheriff for improvement of law enforcement within the county.

Section 3. The State Examiners of Public Accounts is hereby authorized to audit said moneys annually and submit a copy of said audit to the sheriff within 30 days of its completion.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-377 H. 769—Rep. Bedsole

AN ACT

Relating to Mobile County and the members of the board of registrars; providing for the meeting locations for voter registration and voter reidentification; and repealing the following acts relating to the Mobile County Board of Registrars: Act No. 614, H. 1180, 1961 Regular Session (Acts 1961, p. 730); Act No. 113, H. 126, 1964 First Special Session (Acts 1964, p. 173); Act No. 122, S. 100, 1972 Regular Session (Acts 1972, p. 4363); Act No. 885, S. 697, 1978 Regular Session (Acts 1978, p. 1313); Act No. 79-734, 1979 Regular Session (Acts 1979, p. 1305); and repealing all laws or parts of laws in conflict with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mobile County Board of Registrars shall be available at the county courthouse as provided by law and one member of the board shall be available for registration and reidentification at least once a year in every voting ward or precinct of the county at the request of the member of the Mobile County delegation who represents the district thereof, as the case may be. The members of the board shall equally share the duties of visiting the legislative house districts. All reidentification forms and voter registration applications accepted by any registrar according to the provisions of this act shall be presented to and acted on by the full board, or a quorum thereof, at the first board meeting after the acceptance of any such forms or applications. The county governing body and representatives

shall at their discretion determine a suitable means of advertising the visits to their legislative districts. The county governing body may authorize advertisements of such visits in any local newspaper, or on local radio stations, or on local television stations and the cost of such advertisements shall be paid out of the general fund of the county.

Section 2. (a) Requests for voter registration in places other than the courthouse shall be made to the member of the house of representatives who represents that area with the consent of the senate member who represents that area and shall include: the preferred date and an alternate date and location, two weeks prior to the requested visit. The house or senate member shall then promptly in writing so advise the board of registrars. Any person making such request shall be responsible for furnishing an appropriate facility and notice and publicity announcing the visit.

(b) Any election inspector may request voter registration in his district in the same manner as provided in subsection (a).

(c) In the last month immediately preceding an election, all registration shall be at Mobile County courthouse.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. Act No. 614, H. 1180, 1961 Regular Session (Acts 1961, p. 730); Act No. 113, H. 126, 1964 First Special Session (Acts 1964, p. 173); Act No. 122, S. 100, 1972 Regular Session (Acts 1972, p. 4363); Act No. 885, S. 697, 1978 Regular Session (Acts 1978, p. 1313); Act No. 79-734, 1979 Regular Session (Acts 1979, p. 1305), are hereby specifically repealed, and all laws or parts of laws in conflict with the provisions of this act to the extent of such conflict are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-378 H. 773—Reps. McMillan, Penry

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Loxley in Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Loxley in Baldwin County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

All that part of the Northeast corner of the Southwest quarter of Section 15; Township 5 South, Range 3, East Baldwin County, Alabama, which runs thence North 89 degrees 45 minutes West 40 ft. to point in on West right of way line of Magnolia Road, thence South 1 degree 3 minutes West along said right of way line 660.9 ft. to an iron marker at point of beginning herein described property. Thence North 89 degrees 48 minutes 2 seconds West 1733.56 ft. to a point, thence South of 0 degree 37 minutes East 665.60 ft. to a point, thence South 89 degrees 52 minutes East along quarter Section line 1713.7 to a point, thence North 1 degree 3 minutes East 663.90 ft. to the point of beginning.

Commencing at the Northeast corner of the Southwest quarter, Section 15, Township 5 South, Range 3 East, Baldwin County, Alabama, run thence North 89 degrees 45 minutes West, 40.0 feet to an iron marker on the West right-of-way line of Magnolia Road for the Point of Beginning of herein described property; thence continue North 89 degrees 45 minutes West along half section line 1752.5 feet to a point; thence South 00 degrees 37 minutes East 665.60 feet to a point; thence South 89 degrees 48 minutes 20 seconds East 1733.56 feet to a point; thence North 01 degree 03 minutes East along West right-of-way line of Magnolia Road 663.9 feet to the Point of Beginning. Containing 26.6 acres.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-379 H.J.R. 335—Rep. Edwards

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, THE SENATE OF

ALABAMA CONCURRING:

1. Whereas under the provisions of Act No. 81-449 an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee met after the adjournment of the 1981 Session and prior to the 1982 Session and has submitted its report to the Legislature.

The Committee made numerous recommendations with respect to the organization, function, administration, financial framework, election procedures, forms of government procedures, and the impact of growth and urbanization on Alabama cities and towns and,

Whereas, the current Legislature has adopted several bills recommended by the Committee and will no doubt adopt several additional pieces of legislation which the Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee, and

NOW THEREFORE, BE IT RESOLVED, that in order to further suggest to the State Legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby continued and reorganized an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to continue to analyze the present status of municipal government in Alabama and to make recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and requirements of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make studies of, but shall not limit its consideration, to the following items:

1. An assessment and study of the effect of New Federalism and the problems created by its impact on the municipalities of Alabama; a study as to how the municipalities may continue furnishing services because of the serious reduction in federal assistance for municipal programs; a study of the block grant delivery of federal assistance for municipalities through the State and recommendations

on such methods of delivery.

2. An assessment of the impact of the decision of the United States Supreme Court in the recent case of Community Communications Company, Inc., v. City of Boulder, Colorado, which decision may lead to Alabama municipalities being mixed up in the complexities of anti-trust litigation and the need for legislative action to relieve municipalities from any possible anti-trust liability.

3. An assessment of the duplication of functions performed by the State, counties and municipalities, and particularly in the areas of traffic safety, streets and highways, drainage, rights-of-way maintenance, solid waste disposal, law enforcement and fire protection; and a suggestion as to legislation to eliminate such duplications.

4. A review, with recommendations, as to how to improve annexation procedures, control of urban sprawl, and recommended solutions for hazardous waste disposal and energy conservation.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for presentation of a preliminary report during the first week of the 1983 Regular Session of the Alabama Legislature and a final report to be submitted during the 1983 Regular Session of the Alabama Legislature, and that as far as practical that all meetings of the Committee shall be held in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the Committee's Chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The Chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Seven Thousand Five Hundred ($7,500.00) Dollars. The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee

as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex-officio members of the Committee and shall receive compensation at the rate paid out members for each day that they sit with the Committee in its work on the subjects and problems listed in this Resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-380 H.J.R. 337—Rep. Bedsole

HOUSE JOINT RESOLUTION

INCREASING THE NUMBER OF BOARD MEMBERS OF THE ALABAMA SCHOOL OF FINE ARTS FROM ELEVEN TO FIFTEEN.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the number of Board members presently governing the Alabama School of Fine Arts, created by Act No. 1203, HJR 145, Regular Session, 1971 (Acts 1971, p. 2089) shall be increased from eleven to fifteen.

BE IT FURTHER RESOLVED That the additional four members shall be from the general public and appointed by the State Superintendent with the consent of the State Board of Education.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-381 H.J.R. 365—Reps. Waggoner, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison,

Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. MARIE REYNOLDS LEWIS OF BESSEMER, ALABAMA.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Marie Reynolds Lewis of Bessemer, Alabama on April 12, 1982, at the age of 64 years; and

WHEREAS, Mrs. Lewis' death came following a brave and gallant fight against the ravages of bone marrow cancer, a battle she faced with courage and great fortitude despite such formidable odds; and

WHEREAS, as one of her city's most prominent civic leaders, Mrs. Lewis was a charter member of the Bessemer Beautification Club, a past president of the Southwestern Council of Garden Clubs, a member of the Mentor Club, Artes Garden Club, the Ludus Artes Study Club and of the First United Methodist Church of Bessemer; and

WHEREAS, Mrs. Lewis was the beloved wife of Mr. Malcolm E. Lewis, and also is survived by their son, Duane Lewis, their daughter, Mrs. Shelia Morgan, and by her sister, Mrs. Annie Mae Carlton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Marie Reynolds Lewis of Bessemer, Alabama and extend our most heartfelt sympathy to her husband, daughter and sister and to her son, our friend and colleague, Duane

Lewis, to whom copies of this resolution shall be sent in expression of our sincerely shared sorrow in their great and grievous loss.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-382 H.J.R. 372—Reps. Dial, Johnson (R. G.), Shoemaker

HOUSE JOINT RESOLUTION

NAMING THE OMS 14 SHOP AT TALLADEGA, ALABAMA, THE "RAY PATTERSON OPERATION MAINTENANCE FACILITY."

WHEREAS, Mr. Ray Patterson of Talladega joined the Alabama National Guard in 1940 to be activated at the onset of World War II and serve with the 31st Infantry Division throughout the war and until his discharge in July 1945; and

WHEREAS, following tours of duty in Texas, Mississippi and Virginia and to Camp Patrick Henry for Port of Embarkation, Mr. Patterson then underwent jungle training in New Guinea and joined the 124th Regimental Combat Team to later see action in New Guinea and Morotai Dutch East Indies; he also participated in several beach landings and received a number of decorations including the Bronze Star, Army Commendation Medal and Expert Infantry Badge; and

WHEREAS, Mr. Patterson was employed by the Alabama National Guard in 1949 and served some thirty years as Shop Chief of the Maintenance Operation in Talladega rising in Grade from E-1 through E-8 to retire in 1978; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the National Guard OMS 14 Shop at Talladega, Alabama, the "Roy Patterson Operation Maintenance Facility."

BE IT FURTHER RESOLVED, That we express a desire that the proper authorities erect and maintain appropriate signs and markers so designating said facility and that a copy of this resolution be forwarded to Mr. Patterson as a memento of this honorary designation of the legislature.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-383 H. 201—Rep. Sandusky

AN ACT

To amend Section 12-17-110, Code of Alabama 1975, providing for the re-appointment and removal of circuit court registers, so as to provide for an extension of not more than six years upon the re-appointment of a circuit court register who otherwise would be eligible to retire, and providing limitations on the salary of same.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-110, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-17-110. Office of register not to be filled when vacancy occurs; re-appointment of registers holding office on October 10, 1975; removal of registers.

(a) Vacancies. — When the position of register in any circuit court becomes vacant upon the death, resignation, retirement or inability of the incumbent to satisfy the conditions for re-appointment specified in subsection (b) of this section, the vacancy shall not be filled, and the responsibilities and authority of the register shall become the responsibilities and authority of the clerk of the circuit court for the county where the register served.

(b) Re-appointment. — A register who:

(1) Holds office on October 10, 1975, and

(2) Is not eligible to retire and receive retirement compensation by reason of age and years of service or by provision of any retirement program in effect on January 17, 1977, may be re-appointed for terms of six years, but no register shall be re-appointed after completion of any term during which he becomes eligible to retire and receive retirement compensation; provided, that a register who becomes eligible to retire during a term shall be eligible to re-appointment by the Presiding Judge of his Circuit for not more than six additional terms of one year each; and provided further, that until such time as the register becomes eligible to retire and receive retirement compensation, re-appointment shall be automatic unless a majority of the circuit judges within the circuit, or by unanimous agreement where there are only two circuit judges, file a written declaration with the administrative director of courts stating that the register shall not be re-appointed. At such time, the office shall be deemed vacant under subsection (a) of this section.

(c) Removal — The register shall be subject to removal by the judge who appointed him for cause by order to be entered at length on the minutes of the court.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-384 H. 501—Rep. Amari

AN ACT

To amend Sections 26-2-1 and 26-2-45, Code of Alabama 1975, to provide that the courts may, in the exercise of their judicial discretion, appoint a "limited guardian" for a partially disabled person.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 26-2-1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 26-2-1. a. The term "person of unsound mind", as employed in this chapter, includes idiots, lunatics or the insane.

b. The term "partially disabled person", as employed in this chapter, includes persons whose ability to receive and evaluate information effectively and/or communicate decisions is impaired to the extent that they lack the capacity to manage at least some of their financial resources and/or meet at least some of the essential requirements for their physical health or safety without the appointment of a limited guardian.

c. The provisions of this Title relating to the term "person of unsound mind" shall also apply to the term "partially disabled person", where appropriate."

Section 2. Section 26-2-45, Code of Alabama 1975, is hereby amended to read as follows:

"Section 26-2-45. a. If the jury finds by their verdict that the facts alleged in the petition are true and that such person is of unsound mind, the court shall enter a decree accordingly, and must cause the petition and all the proceedings thereon to be recorded and appoint a suitable guardian of such person.

b. If the jury find by their verdict that such person is a partially disabled person and that the facts alleged in the petition are otherwise true, the court shall enter a decree accordingly, and must cause the petition and all the proceedings thereon to be recorded and in

the exercise of its judicial discretion, appoint a "limited guardian" of such person. The powers, duties and liabilities of the limited guardian shall be limited by the court to matters within the areas of the disabilities of the partially disabled person which have been determined by the jury. The partially disabled person for whom a limited guardian has been appointed shall retain all legal and civil rights which have not been granted by the court to the limited guardian."

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-385 H. 509—Reps. Zoghby, Waggoner

AN ACT

To authorize voluntary income tax check-off for support of the arts; to establish the Arts Development Fund from the net proceeds generated from such contributions; to provide for the distribution of such funds to certain tax exempt organizations or associations which encourage the development of high quality and significant art and cultural activities or facilities; to prescribe certain responsibilities for the Commissioner of Revenue in collecting such funds and forwarding the proceeds to the State Treasurer for deposit in the general fund of the state treasury in a fund designated "Arts Development Fund"; to provide for continuous appropriations from such fund to the Council on the Arts and Humanities for the purposes of this act and Sections 41-9-40 through 41-9-47 of the Code of Alabama 1975, relating to the powers, duties and responsibilities of the said council; to prescribe the substantial content for tax returns to provide for such contributions; to provide that such funds shall be supplemental and shall not be construed to be in lieu of annual appropriations; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Resident individual taxpayers who file an Alabama income tax return and who will receive a tax refund from the department of revenue may designate that a contribution be made to the Arts Development Fund by marking the appropriate box printed on the return pursuant to subsection (b) of this section.

(b) The department of revenue shall print on the face of the state income tax form for residents a space for taxpayers to designate that a contribution be made to the Arts Development Fund from their income tax refund due. The space for designating the contri-

bution shall provide for checkoff boxes in the amount of $1, $5, $10 or other dollar amount, commencing for the tax year of 1982 and thereafter.

Section 2. (a) There is established in the general fund of the state treasury an "Arts Development Fund" consisting of all moneys transferred to it under this act. The commissioner of the department of revenue shall transfer to the fund an amount equal to the total amount designated by individuals to be paid to the fund under this act, less an amount, equal to not more than three percent (3%) of the total of such funds then collected, for the additional cost incurred by the department of revenue in collecting and handling such funds which shall be deposited in the general fund of the state treasury for the use of the said department. Such deposits shall be made not less than quarterly commencing with the first day such funds are collected from the taxpayer.

(b) Moneys contained in the "Arts Development Fund" are continuously appropriated to the Council on the Arts and Humanities for the purposes of grants to tax exempt organizations or associations to encourage development of high quality and artistically significant arts activities or cultural facilities in local areas. Such funds shall be supplemental to any and all other appropriations heretofore or hereafter made to the Council on the Arts and Humanities. No provision of this act shall be construed to be in lieu of annual appropriations.

(c) The Council on the Arts and Humanities shall have access to and control of the moneys in said fund and shall be authorized to distribute such funds only for the purposes of this act and pursuant to Sections 41-9-40 through 41-9-47 of the Code of Alabama 1975.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-386 H. 585—Rep. Hines

AN ACT

To make a conditional appropriation to the Board of Corrections for the fiscal year ending September 30, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Board of Corrections from the State General Fund the sum of $20,000,000 for operation and maintenance of the department for the fiscal year ending September 30, 1982. From this appropriation, the Board of Corrections shall pay $100,000 to the General Fund of any County in which at least 1,000 state prisoners are housed in board facilities to be used in local law enforcement.

Section 2. The appropriation herein made shall be conditional upon the availability of funds in the State General Fund and upon the approval of the Governor.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-387 S.J.R. 254—Messrs. Bailey and Miller

SENATE JOINT RESOLUTION

COMMENDING CHIEF RAY BARNES AND THE DOTHAN FIRE DEPARTMENT.

WHEREAS, on March 15, 1982, the Dothan Fire Department, in response to a call to the MRW Warehouse, was faced with the formidable task of confining a blaze potentially disastrous to the entire community; and

WHEREAS, the MRW Warehouse structure, consisting of some 1.7 acres under one roof, was completely sealed with no fire walls or sprinkler system to help control the spread of flames, and products were so stored as to block the roof and the firefighters' only access route to containment; and

WHEREAS, the firemen further were confronted with the dangers caused by the close proximity of the warehouse to other like structures, some of which contained hazardous explosives, and they also had to combat the effects of cyanide and phosgene gasses caused by polyurethane insulation; and

WHEREAS, despite the enormity of the problems they faced, Dothan's 15-year veteran chief, Ray Barnes, along with some 70 involved firemen were able to successfully control the fire and to such an extent that, except for water damage, the warehouse products were salvageable; and

WHEREAS, there were, however, some 15 injuries sustained by Dothan's courageous firefighters, most of which were caused by smoke inhalation and exhaustion; and

WHEREAS, in the consensus of experts, the Dothan Fire Department performed in an outstandingly professional manner in containing a fire of such proportions, the largest monetarily of any fire experienced in Dothan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Chief Ray Barnes and the entire Dothan Fire Department for outstanding performance of duty and direct that a copy of this resolution be forwarded to the department in declaration of praise and in recognition of extraordinary service to the city and the citizens of Dothan, Alabama.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-388 S.J.R. 255—Mr. Callahan

SENATE JOINT RESOLUTION

DESIGNATING APRIL 26, 1982, AS NATIONAL FOOTBALL FOUNDATION SCHOLAR-ATHLETE DAY IN ALABAMA.

WHEREAS, high school football players in our state are our nation's finest, young Alabamians of achievement both athletically and in scholarly pursuits; and

WHEREAS, the National Football Foundation is honoring our country's scholar-atheletes through public recognition of their academic accomplishments as well as for outstanding performance on the football field; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in concurring sentiment with the National Football Foundation's desire to recognize scholar-athletes, we hereby designate April 26, 1982, as National Football Foundation Scholar-Athlete Day in the State of Alabama and request that such date be so observed by all citizens throughout

the state.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-389 S.J.R. 258—Mr. Robertson

SENATE JOINT RESOLUTION

COMMENDING THE LIVINGSTON UNIVERSITY LADY TIGERS BASKETBALL TEAM FOR WINNING THEIR SECOND CONSECUTIVE AAIAW SOUTHERN DIVISION CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama most highly commends the Livingston University Lady Tigers Basketball Team which has recently won its second consecutive Alabama Association of Intercollegiate Athletics for Women Southern Division Championship with an outstanding 6-win and 0-loss record; and

WHEREAS, the team won the AAIAW Division II State Championship, the Division II, Region III Championship and participated in the Division II Quarter-final Tournament; and

WHEREAS, under the guidance and leadership of Coach Jim Izard, the team has worked diligently, long and hard to achieve a 1981-82 outstanding record of 30 wins and only 6 losses; and

WHEREAS, we believe that the actions of these fine young women on the basketball court are reflective of their school, faculty, parents and the good citizens of their community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate the Livingston University Lady Tigers Basketball Team for their truly remarkable record and for winning their second consecutive Alabama Association of Intercollegiate Athletics for Women Southern Division Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Izard and to each member of the team as evidence of high esteem and warm regard.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-390 S.J.R. 259—Mr. Little

SENATE JOINT RESOLUTION

COMMENDING THE AUBURN UNIVERSITY WOMEN'S SWIM TEAM ON ITS RECENT PERFORMANCE AT THE N.C.A.A. CHAMPIONSHIPS.

WHEREAS, it is with a sense of deep pride that the Legislature of Alabama notes the outstanding performance of the Auburn University Women's Swim Team at the National Collegiate Athletic Association Championships; and

WHEREAS, the first ever N.C.A.A. Women's Swimming Championships was held on March 18 through 20, 1982, in Gainesville, Florida; and

WHEREAS, the Auburn University Women's Swim Team continued their year by year rise in the national standings by finishing fourth this year; they finished 21st in 1979, 12 in 1980, and 7th in 1981; and

WHEREAS, the team's brilliant season was due in great measure to the leadership provided by Coach Richard Quick, who described the team's effort as "the best team meet that I have ever had during my years of coaching;" now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Auburn University Women's Swim Team on its recent performance at the N.C.A.A. Championships.

BE IT RESOLVED FURTHER, That a copy of this resolution be provided for appropriate school display with a copy for Joanna Davenport, Women's Athletic Director, for Pat Dye, Auburn Athletic Director, and for Coach Quick on behalf of all members of the team.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-391 S.J.R. 260—Mr. Little

SENATE JOINT RESOLUTION

COMMENDING AUBURN UNIVERSITY WOMEN'S BASKETBALL TEAM ON ITS EXCELLENT SEASON

WHEREAS, it is with a sense of deep pride that the Legislature

of Alabama notes the outstanding performance of the Auburn University Women's Basketball Team; and

WHEREAS, the Auburn University Women's Basketball Team has completed one of their most outstanding basketball seasons in the school's history; and

WHEREAS, the Tigers compiled an exemplary record of 24 wins and five losses while competing in the powerful Southeastern Conference; and

WHEREAS, Coach Joe Ciampi's club deservedly earned an invitation to the first N.C.A.A. Division 1 women's basketball tournament and represented their conference, state and school in an excellent manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Auburn University Women's Basketball Team on their excellent season.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy for Joanna Davenport, Women's Athletic Director, for Pat Dye, Auburn Athletic Director, and for Coach Ciampi on behalf of all members of the team.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-392 S.J.R. 261—Messrs. J. Teague, Proctor and Holmes

SENATE JOINT RESOLUTION

HONORING MR. GEORGE G. McFADEN.

WHEREAS, George G. McFaden, now retired as the Director of the Department of Adult Blind and Deaf, Alabama Institute for Deaf and Blind, Talladega, Alabama, has been selected by the National Industries for the Blind as the recipient of the organization's highest award, the R. B. Irwin Award; and

WHEREAS, this award, to be bestowed at the annual Spring meeting in Biloxi, Mississippi, on May 12, 1982, is given as a recognition of the pioneering and dedicated services of Dr. Robert B. Irwin who was largely responsible for the enactment of the Wagner-O'Day Act, and who served as Vice President of the National Industries for the Blind in the early years of its establishment in 1938; and

WHEREAS, Mr. McFaden is an individual who has contributed significantly in the areas of creativity, ingenuity, practical application of well established or new principles in workshop operation, advanced approach to recognition of blind and sighted personnel and their relationship to the overall program of the workshop; and

WHEREAS, this gentleman who is a native of Elmore County, received two degrees from Auburn University and started his employment as a Vocational Agriculture Teacher in Cullman County, joined the Vocational Rehabilitation Staff in 1946 and later served the State Office Staff as Supervisor of Services to Blind and Deaf, moving in 1964 to the position of Director, Department of Adult Blind, Alabama Institute for Deaf and Blind, implementing a building program to include a Trade School for the Blind and Deaf and renovation of Industries for the Blind in 1965; and

WHEREAS, Mr. McFaden has been widely recognized by his peers for his contributions to the realm of the handicapped, both blind and deaf as well as deaf-blind; and

WHEREAS, after more than 40 years of dedicated service this latest recognition by the National Industries for the Blind is an outstanding accomplishment which climaxes a career marked with countless contributions and a life style which reflects his genuine liking and respect for all people, handicapped and non-handicapped alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That for outstanding characteristics enumerated herein, we hereby name George G. McFaden to the ranks of great Americans.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to George G. McFaden, his family, distributed to the press, retained in the files of the Legislature and displayed in the Alabama History and Archives.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-393 S.J.R. 262—Messrs. Bailey and Miller

SENATE JOINT RESOLUTION

COMMENDING PATRICIA ANN ELLIOTT UPON HER RECENT RETIREMENT AS DISTRICT DIRECTOR OF THE ALABAMA LUNG ASSOCIATION.

WHEREAS, The Legislature of Alabama takes great pride in noting the recent retirement of Patricia Ann Elliott as Southeast Alabama District Director of the Alabama Lung Association; and

WHEREAS, she retired on March 31, 1982 after 27 years with the Alabama Lung Association; and

WHEREAS, On September 6, 1955, she began serving as the Executive Secretary of the "Society for the Eradication of Tuberculosis in the Wiregrass" (SETWIRE Association), a position she held for 19 years; and

WHEREAS, her numerous contributions to the organization were invaluable when it was reorganized into the Southeast District of the Alabama Lung Association in 1973; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Patricia Ann Elliott on her outstanding career in service to the public with the Alabama Lung Association.

BE IT FURTHER RESOLVED, That she receive a copy of this resolution that she may know of our sincere praise and high regard, and of our warm best wishes for every future success.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-394 S.J.R. 263—Mr. Little

SENATE JOINT RESOLUTION

CONGRATULATING DEAN TRUMAN M. PIERCE ON HIS ACHIEVEMENTS AND CONTRIBUTIONS TO TEACHER EDUCATION

WHEREAS, Truman M. Pierce, Dean Emeritus of the School of Education at Auburn University, has distinguished himself as one of Alabama's outstanding educators; and

WHEREAS, Dean Pierce epitomizes the standards of excellence in teaching, research, and administration among his colleagues; and

WHEREAS, Dean Pierce served as Dean of the Troy State University School of Education, Dean of the Auburn University School of Education, Executive Secretary of the Southern States Work Conference, President of the University Council for Educational Administration, Member of the National Council for Accreditation of Teacher Education, and President of the Association of Colleges

and Schools of Education in State Universities and Land Grant Universities; and

WHEREAS, Dean Pierce is recognized for his knowledge and leadership in the field of teacher education, initiating much research in this area directly leading to improved teaching in the elementary and secondary schools of Alabama; and

WHEREAS, The Southern States Work Conference composed of professional educators from twelve Southern states has granted Auburn University funds to establish the Truman M. Pierce Center for the Study and Improvement of Teacher Education;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of Alabama, both houses thereof concurring, that the Legislature congratulates Dean Truman M. Pierce on his many achievements and contributions to teacher education, and that the Legislature endorses the establishment of the Truman M. Pierce Center for the Study and Improvement of Teacher Education, and pledges its support to maintain and enhance that effort; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Southern States Work Conference, Dean Truman M. Pierce, and the President of Auburn University.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-395 S.J.R. 264—Mr. Keener

SENATE JOINT RESOLUTION

COMMENDING MR. CURTIS McMAHAN FOR HIS EFFORTS IN ORGANIZING THE HOKES BLUFF FIRE DEPARTMENT.

WHEREAS, the Alabama Legislature notes the achievements of Mr. Curtis U. McMahan of Hokes Bluff, Alabama, for his efforts in establishing the first fire department for that city on December 22, 1953; and

WHEREAS, Mr. McMahan was selected as the department's first fire chief and continued to serve in that capacity for nearly 20 years; and

WHEREAS, during his tenure as Chief, the fire department was consistently recognized as one of the outstanding volunteer fire fighting organizations in the State of Alabama; and

WHEREAS, Mr. McMahan devoted countless hours of his time and energy and literally thousands of dollars of his personal resources to promote and maintain the continued improvement of both the fire fighting personnel and the physical equipment and buildings of the Hokes Bluff Fire Department; and

WHEREAS, the Alabama Legislature notes that the following individuals served with honor and distinction as initial members of the Hokes Bluff Fire Department: Messrs. Shorty Driskell, Ralph Fleming, E. W. Garmany, Bud Gidley, Claude Green, Carl Gwin, Vic Johnson, M. A. Lambert, Troy Lett, Hood Miller, Speedy Patterson, Grady Reeves, Tom Sexton, Waldo Smith, Hugh Stovall, Jake Tidmore and Dennis Vinyard; and

WHEREAS, each of these gentlemen are to be commended and duly recognized for their collective efforts in providing for the safety and physical security of their families, friends and neighbors; now therefore,

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Curtis McMahan as the original Chief of the Hokes Bluff Fire Department and the men listed above who served under him.

BE IT FURTHER RESOLVED, That Mr. McMahan receive a copy of this resolution as an expression of the high regard in which he is held by the Alabama Legislature.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-396 S.J.R. 265—Messrs. Kirkland, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, B. Teague, J. Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING REPRESENTATIVE BROOKS HINES OF

BREWTON, ESCAMBIA COUNTY, ALABAMA.

WHEREAS, at the close of the current term of the Alabama Legislature, our friend and colleague Representative Brooks Hines will have completed two terms of meritorious service, not only on behalf of his constituents of House District 91, Escambia County, but to the good of all citizens of Alabama as well; and

WHEREAS, regrettably, Mr. Hines has elected not to seek an almost certain third term in the House and his loss to the Legislature will be keenly felt in many areas of his particular interest and expertise; and

WHEREAS, during the past eight years, Representative Hines has served on such important committees as Business and Labor, Health, Education, Banking and Insurance, and has effectively led passage of responsible legislation vital to the progress of our State; and

WHEREAS, during his legislative tenure, Mr. Hines also has played a significant role in the improvement and progress of our state's prison system, most particularly as vice chairman for four years and chairman for the last four years of the Prison Oversight Committee which he helped form, and through his successful efforts in such areas as budget re-structure, increased appropriations and reform within the system of such programs as work release and prison industries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Representative Brooks Hines of Brewton, Alabama, for outstanding service as a member of the Alabama House of Representatives; we further express our hopeful anticipation of his return to a future term of the Legislature in continuing service to the State of Alabama.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-397 S.J.R. 266—Messrs. Higginbotham, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John,

Smith, Taylor, B. Teague,
J. Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING MRS. PENNIE BUCKELEW FOR MERITORIOUS SERVICE TO THE STATE OF ALABAMA.

WHEREAS, Mrs. Pennie Buckelew, a former employee of the Alabama House of Representatives, has worked with the Legislative Fiscal Office since its establishment in 1975 as an office of the legislature; and

WHEREAS, as a conscientious and knowledgeable member of the Fiscal Office staff, Mrs. Buckelew has helped provide the legislature with the vital information and assistance necessary to respond in an informed and responsible manner to the fiscal affairs of our state; and

WHEREAS, regrettably, Mrs. Buckelew has had to resign her position with the Fiscal Office and the State of Alabama as her family soon will be moving to Austin, Texas, in connection with her husband's employment; and

WHEREAS, though both the legislature and the Fiscal Office sorely regret the necessity of Mrs. Buckelew's resignation, we are deeply greatful for her valuable assistance through the years and for her dedicated labors on our behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend our friend and associate, Mrs. Pennie Buckelew, for meritorious service to the State of Alabama and sincerely wish her every future success.

BE IT FURTHER RESOLVED, That Mrs. Bucklew receive a copy of this resolution that she and her husband, Mike, and their young son, Jason, may be aware of our warm best wishes and regard.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-398 S. 41—Mr. Goodwin

AN ACT

To declare as facts and state legislative intent that certain real property located in the city of Selma, Dallas County, Alabama, has been acquired by The Board of Trustees of the University of Alabama with funds appropriated to the University for

the Selma Family Practice Center and funds generated by that Center in the care and treatment of patients under the residency training program; that no separate funds of the University or any other state appropriated funds were utilized in the acquisition of that property by the University; that the Selma-Dallas County Family Practice Center, Inc. was incorporated as an Alabama nonprofit corporation on November 12, 1975, and has been recognized and approved by the City Council of Selma and is, thereby, a public corporation; that The Board of Trustees of the University has recognized that the University holds title to the property for and on behalf of the Selma-Dallas County Family Practice Center and requests that the Legislature authorize the conveyance of that property by the University to the Selma-Dallas County Family Practice Center, Inc.; and that in response to the request of the University and the governing bodies of the city of Selma and Dallas County, and in keeping with the original intent of the Legislature in appropriating funds to the University for the Selma-Dallas County Family Practice Center, The Board of Trustees of the University of Alabama is authorized to convey said real property to the Selma-Dallas County Family Practice Center, Inc.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Legislative Intent. The Legislature finds as facts and determines that:

(a) Because of the need for additional health care services for families, especially in rural areas, considerable emphasis has been placed on the establishment of residency programs in family practice medicine, both in Alabama and nationally. In response to that need, a number of family practice residency programs affiliated with the University have been located in various areas of the state, including the city of Selma-Dallas County, with the assistance of funds appropriated by the Legislature.

(b) The establishment and operation of these programs represent a joint effort by the communities in which they are located; by the University, which has provided the professional medical leadership, including backup support for medical specialists to assure quality educational programs for the residents; and by the Legislature, which has provided, through the University, a portion of the funds needed for these programs.

(c) In responding to the health care needs of the State of Alabama, and specifically of the Selma-Dallas County area, beginning in 1975, the Legislature appropriated to The Board of Trustees of the University of Alabama funds for both the construction and operation of a facility in the city of Selma for the training of residents and the treatment of patients incident thereto.

(d) Upon the establishment of the family practice program in Selma-Dallas County, the Selma-Dallas County Family Practice Center, Inc. was incorporated on November 12, 1975, as a nonprofit corporation under the provisions of what was then Title 10, Chapter 10, Code of Alabama of 1940 (Recompiled 1958) (currently Title 10,

Chapter 3, Code of Alabama of 1975) to manage the fiscal operations of the program. The Articles of Incorporation provide that, upon termination, all funds and assets of the corporation, after deducting the expenses of dissolution and liquidation, shall be paid to The Board of Trustees of the University of Alabama. The family practice residency program in Selma-Dallas County is presently operated under an affiliation agreement between the Selma-Dallas County Family Practice Center, Inc., and The Board of Trustees of the University of Alabama.

(e) On November 23, 1981, the governing body of the city of Selma, Alabama approved and ratified the incorporation of the Selma-Dallas County Family Practice Center, Inc., so that said corporation is a public corporation within the meaning of Paragraph (8), Section 11-81A-1, Code of Alabama of 1975.

(f) Legal title to a portion of the real property on which the Family Practice Center is presently located was acquired in the name of the Selma-Dallas County Family Practice Center, Inc., and the remainder was acquired in the name of The Board of Trustees of the University of Alabama. The funds for the acquisition of that property and the facilities constructed thereon came totally from revenues from the care and treatment of patients in the Center and from appropriations from the Legislature to The Board of Trustees of the University of Alabama specifically for the Selma family practice residency program.

(g) In order to consolidate full and complete financial responsibility for the program within the city of Selma and Dallas County, on March 10, 1980 the Executive Committee of The Board of Trustees resolved that appropriate mechanisms should be developed to transfer to the Selma-Dallas County Family Practice Center, Inc., at no cost or at minimum cost, the real property, title to which is held in the name of the University. Subsequently, The Board of Trustees of the University adopted a resolution requesting that the Legislature authorize the Board to convey title to that property (which is described below), without further or additional consideration, to the Selma-Dallas County Family Practice Center, Inc.

(h) Funds utilized by the University in the acquisition of that real property described below have come solely from revenues appropriated to the University and designated for the Selma family practice program and from fees and income received by the Selma-Dallas County Family Practice Center, Inc., from the care and treatment of patients in the family practice residency program so that no separate funds of the University and no other state appropriations have been utilized in the acquisition and improvement of the real property described below.

Section 2. Authority to Convey Property. The Board of Trustees of the University of Alabama is authorized to convey to the Selma-Dallas County Family Practice Center, Inc., without further or additional consideration, the following-described real property located in the city of Selma, Dallas County, Alabama, to wit:

Parcel One: Lot 35 and the north half of Lot 36, of Block 51, of the City of Selma, Alabama, as shown by map thereof in the Office of the Tax Assessor of Dallas County, Alabama, and also being shown on page 22 of the Map Book of the City of Selma, Alabama, prepared by Mrs. D. C. Russell, which said lots are more particularly described as follows, to wit: Begin at the southwest intersection of Lauderdale Street and Abbott Avenue and run southwardly along the west margin of Lauderdale Street for 114 feet 10 inches to an iron pipe; thence run westwardly and parallel to Abbott Avenue for 120 feet; thence run northwardly and parallel to Lauderdale Street for 114 feet 10 inches to the south margin of Abbott Avenue; thence run eastwardly along the south margin of Abbott Avenue for 120 feet to the point of beginning; being the same property conveyed by deed of Julian I. Howell, et als, to H.O.C. Realty Company, Inc., a corporation, dated January 21, 1964, and recorded in the Probate Office of Dallas County, Alabama in Book 556, at page 293.

Parcel Two: Lot 40 of Block 51, according to the present plan and map of Selma, Alabama, fronting sixty-five (65) feet, more or less, on the west side of Lauderdale Street and running back westwardly that uniform width 120 feet, and being the same lot of land formerly owned by Menzo Watson, deceased, as shown by deed dated September 28, 1885, from Hugh S. D. Mallory, as Trustee, to Menzo Watson, which deed is recorded in the Probate Office of Dallas County, Alabama, in Record Book 102, page 125.

Section 3. Repealer. All laws or parts of laws, special, local or general, which conflict or are inconsistent with this Act are hereby repealed, insofar as such laws or parts of laws conflict or are inconsistent with this Act.

Section 4. Severability. If the provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Section 5. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-399 S. 49—Mr. St. John

AN ACT

To be known as the Law of Intestate Succession and Wills, providing the substantive law to govern intestate succession and wills, providing definitions of some terms with respect to decedents' estates, establishing certain rights to property of a decedent and amending certain sections of the Alabama Code of 1975 and repealing specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act.

Be It Enacted by the Legislature of Alabama:

ARTICLE I

Part 1

SHORT TITLE, CONSTRUCTION, GENERAL PROVISIONS

§ 1-102. Purposes; Rule of Construction.

(a) This Act shall be liberally construed and applied to promote its underlying purposes and policies.

(b) The underlying purposes and policies of this Act are:

(1) to simplify and clarify the law concerning the affairs of decedents;

(2) to discover and make effective the intent of a decedent in the distribution of his property.

§ 1-103. Supplementary General Principles of Law Applicable.

Unless displaced by the particular provisions of this Act, the principles of law and equity supplement its provisions.

§ 1-104. Severability.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

§ 1-105. Construction Against Implied Repeal.

This Act is a general act intended as a unified coverage of its subject matter and no part of it shall be deemed impliedly repealed by subsequent legislation if it can reasonably be avoided.

§ 1-106. Effect of Fraud and Evasion.

Whenever fraud has been perpetrated in connection with any proceeding or in any statement filed under this Act or if fraud is used

to avoid or circumvent the provisions or purposes of this Act, any person injured thereby may obtain appropriate relief against the perpetrator of the fraud or restitution from any person (other than a bona fide purchaser) benefitting from the fraud, whether innocent or not. Any proceeding must be commenced within one year after the discovery of the fraud or from the time when the fraud should have been discovered, but no proceeding may be brought against one not a perpetrator of the fraud later than five years after the time of the commission of the fraud. This section has no bearing on remedies relating to fraud practiced on a decedent during his lifetime which affects the succession of his estate.

§ 1-107. Evidence as to Death or Status.

In proceedings under this Act the rules of evidence in courts of general jurisdiction including any relating to simultaneous deaths, are applicable unless specifically displaced by the Act. In addition, the following rules relating to determination of death and status are applicable:

(1) a certified or authenticated copy of a death certificate purporting to be issued by an official or agency of the place where the death purportedly occurred is prima facie proof of the fact, place, date and time of death and the identity of the decedent;

(2) a certified or authenticated copy of any record or report of a governmental agency, domestic or foreign, that a person is missing, detained, dead, or alive is prima facie evidence of the status and of the dates, circumstances and places disclosed by the record or report;

(3) a person who is absent for a continuous period of five years, during which he has not been heard from, and whose absence is not satisfactorily explained after diligent search or inquiry is presumed to be dead. His death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

§ 1-108. Acts by Holder of General Power.

For the purpose of granting consent or approval with regard to the acts or accounts of a personal representative or trustee, including relief from liability or penalty for failure to post bond, or to perform other duties, and for purposes of consenting to modification or termination of a trust or to deviation from its terms, the sole holder or all co-holders of a presently exercisable general power of appointment, including one in the form of a power of amendment or revocation, are deemed to act for beneficiaries to the extent their interests (as objects, takers in default, or otherwise) are subject to the power.

Part 2
DEFINITIONS

§ 1-201. General Definitions.

Subject to additional definitions contained in the subsequent Articles which are applicable to specific Articles or parts, and unless the context otherwise requires, in this Act

(1) "Beneficiary", as it relates to trust beneficiaries, includes a person who has any present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer and as it relates to a charitable trust, includes any person entitled to enforce the trust.

(2) "Child" includes any individual entitled to take as a child under this Act by intestate succession from the parent whose relationship is involved and excludes any person who is only a stepchild, a foster child, a grandchild or any more remote descendant.

(3) "Court" means the court having jurisdiction in matters relating to the affairs of decedents. This court in Alabama is known as the Probate Court.

(4) "Days" means that period of time as computed in accordance with § 1-1-4 of the Ala. Code (1975) and Rule 6(a), Alabama Rules of Civil Procedure.

(5) "Devise", when used as a noun, means a testamentary disposition of real or personal property and when used as a verb, means to dispose of real or personal property by will.

(6) "Devisee" means any person designated in a will to receive a devise. In the case of a devise to an existing trust or trustee, or to a trustee on trust described by will, the trust or trustee is the devisee and the beneficiaries are not devisees.

(7) "Distributee" means any person who has received property of a decedent from his personal representative other than as creditor or purchaser. A testamentary trustee is a distributee only to the extent of distributed assets or increment thereto remaining in his hands. A beneficiary of a testamentary trust to whom the trustee has distributed property received from a personal representative is a distributee of the personal representative. For purposes of this provision, "testamentary trustee" includes a trustee to whom assets are transferred by will, to the extent of the devised assets.

(8) "Estate" includes the property of the decedent whose affairs are subject to this Act as originally constituted and as it exists from time to time during administration.

(9) "Exempt property" means that property of a decedent's estate which is described in Section 2-402.

(10) "Fiduciary" includes personal representative, guardian and trustee.

(11) "Foreign personal representative" means a personal representative of another jurisdiction.

(12) "Guardian" means a person who has qualified as a guardian of a minor or incompetent person pursuant to testamentary or court appointment, but excludes one who is merely a guardian ad litem.

(13) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes or intestate succession to the property of a decedent.

(14) "Interested person" is any person having an enforceable right or claim, which may be affected by the proceeding, and may include heirs, devisees, children, spouses, creditors, beneficiaries and any others having a property rights in or claim against a trust estate or the estate of a decedent which may be affected by the proceeding. "Interested person" also includes persons having priority for appointment as personal representative, and other fiduciaries representing interested persons. The meaning of "interested person" as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.

(15) "Issue" of a person means all his lineal descendants of all generations, with the relationship of parent and child at each generation being determined by the definitions of child and parent contained in this Act.

(16) "Lease" includes an oil, gas, or other mineral lease.

(17) "Letters" includes letters testamentary and letters of administration.

(18) "Minor" means a person who is under 19 years of age.

(19) "Mortgage" means any conveyance, agreement or arrangement in which property is used as security.

(20) "Nonresident decedent" means a decedent who was domiciled in another jurisdiction at the time of his death.

(21) "Organization" includes a corporation, government or governmental subdivision of agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal entity.

(22) "Parent" includes any person entitled to take, or who would be entitled to take if the child died without a will, as a parent under this Act by intestate succession from the child whose relationship is in question and excludes any person who is only a stepparent, foster parent, or grandparent.

(23) "Person" means an individual, a corporation, an organization, or other legal entity.

(24) "Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status.

(25) "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.

(26) "Security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing.

(27) "Settlement" in reference to a decedent's estate, includes the full process of administration, distribution, accounting and closing.

(28) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

(29) "Successor personal representative" means a personal representative who is appointed to succeed a previously appointed personal representative.

(30) "Successors" means those persons, other than creditors, who are entitled to property of a decedent under his will or this Act.

(31) "Testacy proceeding" means a proceeding to establish a will or determine intestacy.

(32) "Trust" includes any express trust, private or charitable, with additions thereto, wherever and however created. It also includes a trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust. "Trust" excludes other constructive trusts, and its excludes resulting trusts, guardianships, curatorships, personal representatives, custodial ar-

rangements pursuant to the Alabama Uniform Gifts to Minors Act [Alabama Code § § 35-5-1 through 35-5-10], business trusts providing for certificates to be issued to beneficiaries, common trust funds, voting trusts, security arrangements, liquidation trusts, and trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, or employee benefits of any kind, and any arrangement under which a person is nominee or escrowee for another.

(33) "Trustee" includes an original, additional, or successor trustee, whether or not appointed or confirmed by court.

(34) "Will" includes codicil and any testamentary instrument which merely appoints an executor or revokes or revises another will.

Part 3
SCOPE, JURISDICTION AND COURTS

§ 1-301. Territorial Application.

Except as otherwise provides in this Act, this Act applies to (1) the affairs and estates of decedents domiciled in this State, and (2) the property of nonresidents located in this State or property coming into the control of a fiduciary who is subject to the laws of this state.

§ 1-303. Venue; Multiple Proceedings; Transfer.

(a) Where a proceeding under this Act could be maintained in more than one place in this State, the court in which the proceeding is first commenced has the exclusive right to proceed.

(b) If proceedings concerning the same estate are commenced in more than one court of this State, the court in which the proceeding was first commenced shall continue to hear the matter, and the other courts shall hold the matter in abeyance until the question of venue is decided, and if the ruling court determines that venue is properly in another court, it shall transfer the proceeding to the other court.

(c) If the court finds that in the interest of justice a proceeding or a file should be located in another court of this State, the court making the finding may transfer the proceeding or file to the other court.

§ 1-310. Oath or Affirmation on Filed Documents.

Except as otherwise specifically provided in this Act or by rule, every document filed with the Court under this Act including applications, petitions, and demands for notice, shall be deemed to include an oath, affirmation, or statement to the effect that its representations are true as far as the person executing or filing it knows and penalties for perjury may follow deliberate falsification therein.

ARTICLE II
INTESTATE SUCCESSION AND WILLS
Part 1
INTESTATE SUCCESSION

§ 2-101. Intestate Estate.

Any part of the estate of a decedent not effectively disposed of by his will passes to his heirs as prescribed in the following sections of this Act.

§ 2-102. Share of the Spouse.

The intestate share of the surviving spouse is as follows:

(1) if there is no surviving issue or parent of the decedent, the entire intestate estate;

(2) if there is no surviving issue but the decedent is survived by a parent or parents, the first $100,000 in value, plus one-half of the balance of the intestate estate;

(3) if there are surviving issue all of whom are issue of the surviving spouse also, the first $50,000 in value, plus one-half of the balance of the intestate estate;

(4) if there are surviving issue one or more of whom are not issue of the surviving spouse, one-half of the intestate estate;

(5) if the estate is located in two or more states, the share shall not exceed in the aggregate the allowable amounts under this Act.

§ 2-103. Share of Heirs Other Than Surviving Spouse.

The part of the intestate estate not passing to the surviving spouse under Section 2-102, or the entire intestate estate if there is no surviving spouse, passes as follows:

(1) to the issue of the decedent; if they are all of the same degree of kinship to the decedent they take equally, but if of unequal degree, then those of more remote degree take by representation;

(2) if there is no surviving issue, to his parent or parents equally;

(3) if there is no surviving issue or parent, to the issue of the parents or either of them by representation;

(4) if there is no surviving issue, parent or issue of a parent, but the decedent is survived by one or more grandparents or issue of grandparents, half of the estate passes to the paternal grandparents if both survive, or to the surviving paternal grandparent, or to the issue of the paternal grandparents if both are deceased, the issue taking equally if they are all of the same degree of kinship to the

decedent, but if of unequal degree those of more remote degree take by representation; and the other half passes to the maternal relatives in the same manner; but if there be no surviving grandparent or issue of grandparent on either the paternal or the maternal side, the entire estate passes to the relatives on the other side in the same manner as the other half.

§ 2-104. Requirement That Heir Survive Decedent For Five Days.

Any person who fails to survive the decedent by five days is deemed to have predeceased the decedent for purposes of homestead allowance, exempt property and intestate succession, and the decedent's heirs are determined accordingly. If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the decedent by five days, it is deemed that the person failed to survive for the required period. This section is not to be applied where its application would result in a taking of intestate estate by the state under Section 2-105.

§ 2-105. No Taker.

If there is no taker under the provisions of this Article, the intestate estate passes to the State of Alabama.

§ 2-106. Representation.

If representation is called for by this Act, the estate is divided into as many shares as there are surviving heirs in the nearest degree of kinship and deceased persons in the same degree who left issue who survive the decedent, each surviving heir in the nearest degree receiving one share and the share of each deceased person in the same degree being divided among the issue of such deceased heir in the same manner.

§ 2-107. Kindred of Half Blood.

Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.

§ 2-108. Afterborn Heirs.

Relatives of the decedent conceived before his death but born thereafter inherit as if they had been born in the lifetime of the decedent.

§ 2-109. Meaning of Child and Related Terms.

If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through,

or from a person,

(1) an adopted person is the child of an adopting parent and not of the natural parents except that adoption of a child by the spouse of a natural parent has no effect on the right of the child to inherit from or through either natural parent.

(2) in cases not covered by Paragraph (1), a person born out of wedlock is a child of the mother. That person is also a child of the father, if:

(i) the natural parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage is void; or

(ii) the paternity is established by an adjudication before the death of the father or is established thereafter by clear and convincing proof, but the paternity established under this subparagraph is ineffective to qualify the father or his kindred to inherit from or through the child unless the father has openly treated the child as his, and has not refused to support the child.

§ 2-110. Advancements.

If a person dies intestate as to all his estate, property which he gave in his lifetime to an heir is treated as an advancement against the latter's share of the estate only if declared in a contemporaneous writing by the decedent or acknowledged in writing by the heir to be an advancement. For this purpose the property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of death of the decedent, whichever first occurs. If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the intestate share to be received by the recipient's issue, unless the declaration or acknowledgment provides otherwise.

§ 2-111. Debts to Decedent.

A debt owed to the decedent is not charged against the intestate share of any person except the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's issue.

§ 2-112. Alienage.

No person is disqualified to take as an heir because he or a person through whom he claims is or has been an alien.

§ 2-113. Dower and Curtesy Abolished.

The estates of dower and curtesy are abolished.

§ 2-114. Persons Related to Decedent Through Two Lines.

A person who is related to the decedent through two lines of relationship is entitled to only a single share, based on the relationship which would entitle him to the larger share.

Part 2
ELECTIVE SHARE OF SURVIVING SPOUSE

§ 2-201. Right to Elective Share.

(a) If a married person domiciled in this State dies, the surviving spouse has a right of election to take an elective share of the estate. The elective share shall be the lesser of:

(1) All of the estate of the deceased reduced by the value of the surviving spouse's separate estate; or

(2) One-third of the estate of the deceased.

(b) The "separate estate" of the surviving spouse shall include:

(1) All property which immediately after the death of the decedent is owned by the spouse outright or in fee simple absolute,

(2) All legal and equitable interests in property the possession or enjoyment of which are acquired only by surviving the decedent, and

(3) All income and other beneficial interests (i) under a trust, (ii) in proceeds of insurance on the life of the decedent, and (iii) under any broad-based non-discriminatory pension, profit-sharing, stock bonus, deferred compensation, disability, death benefit or other such plan established by an employer.

(c) If a married person not domiciled in this State dies, the right, if any, of the surviving spouse to take an elective share in property in this State is governed by the law of the dececent's domicile at death.

§ 2-203. Right of Election Personal to Surviving Spouse.

The right of election of the surviving spouse may be exercised only by the surviving spouse during his lifetime. If a guardian, custodian, curator, or conservator has been appointed for the surviving spouse, the right of election may be exercised only by order of the court upon petition of the fiduciary or upon the court's own initiative, after finding that exercise is necessary to provide adequate support for the surviving spouse during his probable life expectancy.

§ 2-204. Waiver of Right to Elect and of Other Rights.

The right of election of a surviving spouse and the rights of the surviving spouse to homestead allowance, exempt property and family

allowance, or any of them, may be waived, wholly or partially, before or after marriage, by a written contract, agreement, or a waiver signed by the party waiving after fair disclosure. Unless it provides to the contrary, a waiver of "all rights" (or equivalent language) in the property or estate of a present or prospective spouse or a complete property settlement entered into after or in anticipation of separation or divorce is a waiver of all rights to elective share, homestead allowance, exempt property and family allowance by each spouse in the property of the other at death and a renunciation by each of all benefits which would otherwise pass to him from the other by intestate succession or by virtue of the provisions of any will executed before the waiver or property settlement.

§ 2-205. Proceeding for Elective Share; Time Limit.

(a) The surviving spouse may elect to take his elective share by filing with the Court and mailing or delivering to the personal representative, if any, a petition for the elective share within six months after the date of death, or within six months after the probate of the decedent's will, whichever limitation last expires.

The Court may extend the time for election for cause shown by the surviving spouse before the time for election has expired.

(b) The surviving spouse shall give notice of the time and place set for hearing to persons interested in the estate whose interests will be adversely affected by the taking of the elective share.

(c) The surviving spouse may withdraw his demand for an elective share at any time before entry of a final determination by the Court.

(d) After notice and hearing, the Court shall determine the amount of the elective share and shall order its satisfaction from the assets of the estate. If it appears that a fund or property included in the estate has not come into the possession of the personal representative, or has been distributed by the personal representative, the Court nevertheless shall fix the liability of any person who has any interest in the fund or property or who has possession thereof, whether as trustee or otherwise. The proceeding may be maintained against fewer than all persons against whom relief could be sought, but no person is subject to contribution in any greater amount than he would have been if relief had been secured against all persons subject to contribution.

(e) The order or judgment of the Court may be enforced as necessary in suit for contribution or payment in other courts of this State or other jurisdictions.

§ 2-206. Effect of Election on Benefits by Will or Statute.

A surviving spouse is entitled to homestead allowance, exempt property, and family allowance, whether or not he elects to take an elective share.

§ 2-207. Charging Spouse With Gifts Received: Liability of Others For Balance of Elective Share.

(a) In the proceeding for an elective share, values included in the estate which pass or have passed to the surviving spouse, or which would have passed to the surviving spouse but were renounced, are applied first to satisfy the elective share and to reduce any contributions due from other recipients of transfers included in the estate. For purposes of this subsection, the electing spouse's beneficial interest in any life estate or in any trust shall be computed as if worth one-half of the total value of the property subject to the life estate, or of the trust estate, unless higher or lower values for these interests are established by proof; provided, however, that, to the extent that the electing spouse's beneficial interest is a life estate or is an interest in a trust and is coupled with a general power of appointment (whether exercisable by deed or by will or by either), the beneficial interest shall be computed as being equal to two-thirds of the total value of the property subject to the life estate, or of the trust estate, with respect to which the general power of appointment exists.

(b) Remaining property of the estate is so applied that liability for the balance of the elective share of the surviving spouse is equitably apportioned among the recipients of the estate in proportion to the value of their interests therein.

§ 2-208. Distribution; Order in Which Assets Appropriated; Abatement.

(a) Except as provided in subsection (b) and except as provided in connection with the share of the surviving spouse who elects to take an elective share, shares of distributee abate, without any preference of priority as between real and personal property, in the following order: (1) property not disposed of by the will; (2) residuary devises; (3) general devises; (4) specific devises. For purposes of abatement, a general devise charged on any specific property or fund is a specific devise to the extent of the value of the property on which it is charged, and upon the failure or insufficiency of the property on which it is charged, a general devise to the extent of the failure or insufficiency. Abatement within each classification is in proportion to the value of property each of the beneficiaries would have received if full distribution of the property had been made in accordance with the terms of the will.

(b) If the will expresses an order of abatement, or if the testamentary plan or the express or implied purpose of the devise would be defeated by the order of abatement stated in subsection (a), the shares of the distributees abate as may be found necessary to give effect to the intention of the testator.

(c) If the subject of a preferred devise is sold or used incident to administration, abatement shall be achieved by appropriate adjustments in, or contribution from, other interests in the remaining assets.

Part 3
SPOUSE AND CHILDREN UNPROVIDED FOR IN WILLS

§ 2-301. Omitted Spouse.

(a) If a testator fails to provide by will for his surviving spouse who married the testator after the execution of the will, the omitted spouse shall receive the same share of the estate he would have received if the decedent left no will unless it appears from the will that the omission was intentional or the testator provided for the spouse by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision be reasonably proven.

(b) In satisfying a share provided by this section, the devises made by the will abate as provided in Section 2-208.

§ 2-302. Pretermitted Children.

(a) If a testator fails to provide in his will for any of his children born or adopted after the execution of his will, the omitted child receives a share in the estate equal in value to that which he would have received if the testator had died intestate unless:

(1) it appears from the will that the omission was intentional;

(2) when the will was executed the testator had one or more children and devised substantially all his estate to the other parent of the omitted child; or

(3) the testator provided for the child by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision be reasonably proven.

(b) If at the time of execution of the will the testator fails to provide in his will for a living child solely because he believes the child to be dead, the child receives a share in the estate equal in value to that which he would have received if the testator had died intestate.

(c) In satisfying a share provided by this section, the devises made by the will abate as provided in Section 2-208.

Part 4
EXEMPT PROPERTY AND ALLOWANCES

§ 2-401. Homestead Allowance.

(a) A surviving spouse of a decedent who was domiciled in this State is entitled to a homestead allowance of $6,000. If there is no surviving spouse, each minor child and each dependent child of the decedent is entitled to a homestead allowance amounting to $6,000 divided by the number of minor and dependent children of the decedent. The homestead allowance is exempt from and has priority over all claims against the estate. Homestead allowance is in addition to any share passing to the surviving spouse or minor or dependent child by the will of the decedent unless otherwise provided in the will, by intestate succession or by way of elective share.

(b) The value of any constitutional right of homestead in the family home received by a surviving spouse or child shall be charged against that spouse or child's homestead allowance to the extent that the family home is part of the decedent's estate or would have been but for the homestead provision of the constitution.

§ 2-402. Exempt Property.

If the decedent was domiciled in this State at the time of death the surviving spouse is entitled to receive, in addition to the homestead allowance, property of a value not exceeding $3,500 in excess of any security interests therein in household furniture, automobiles, furnishings, appliances and personal effects. If there is no surviving spouse, children of the decedent are entitled jointly to the same value. If encumbered chattels are selected and if the value in excess of security interests, plus that of other exempt property, is less than $3,500, or if there is not $3,500 worth of exempt property in the estate, the spouse or children are entitled to other assets of the estate, if any, to the extent necessary to make up the $3,500 value. Rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the estate, except that the right to any assets to make up a deficiency of exempt property shall abate as necessary to permit prior payment of homestead allowance and family allowance. These rights are in addition to any benefit or share passing to the surviving spouse or children by the will of the decedent unless otherwise provided, by intestate succession, or by way of elective share.

§ 2-403. Family Allowance.

In addition to the right to homestead allowance and exempt property, if the decedent was domiciled in this State, the surviving spouse and minor children whom the decedent was obligated to support and children who were in fact being supported by him are en-

titled to a reasonable allowance in money out of the estate for their maintenance during the period of administration, which allowance may not continue for longer than one year if the estate is inadequate to discharge allowed claims. The allowance may be paid as a lump sum or in periodic installments. It is payable to the surviving spouse, if living, for the use of the surviving spouse and minor and dependent children; otherwise to the children, or persons having their care and custody; but in case any minor child or dependent child is not living with the surviving spouse, the allowance may be made partially to the child or his guardian or other person having his care and custody, and partially to the spouse, as their needs may appear. The family allowance is exempt from and has priority over all claims but does not have priority over the homestead allowance.

The family allowance is not chargeable against any benefit or share passing to the surviving spouse or children by the will of the decedent unless otherwise provided in the will, by intestate succession, or by way of elective share. The death of any person entitled to family allowance terminates his right to allowances not yet paid.

§ 2-404. Source, Determination and Documentation.

If the estate is otherwise sufficient, property specifically devised is not used to satisfy rights to homestead and exempt property. Subject to this restriction, the surviving spouse, the guardians of the minor children, or children who are adults may select property of the estate as homestead allowance and exempt property. The personal representative may make these selections if the surviving spouse, the children or the guardians of the minor children are unable or fail to do so within a reasonable time or if there are no guardians of the minor children. The personal representative may execute an instrument or deed of distribution to establish the ownership of property taken as homestead allowance or exempt property. He may determine the family allowance in a lump sum not exceeding $6,000 or in periodic installments not exceeding $500 per month for one year, and may disburse funds of the estate in payment of the family allowance and any part of the homestead allowance payable in cash. The personal representative or any interested person aggrieved by any selection, determination, payment, proposed payment, or failure to act under this section may petition the Court for appropriate relief, which relief may provide a family allowance larger or smaller than that which the personal representative determined or could have determined.

Part 5
WILLS

§ 2-501. Who May Make a Will.

Any person 18 or more years of age who is of sound mind may make a will.

§ 2-502. Execution.

Except as provided for writings within Section 2-513, and wills within Section 2-506, every will shall be in writing signed by the testator or in the testator's name by some other person in the testator's presence and by his direction, and shall be signed by at least two persons each of whom witnessed either the signing or the testator's acknowledgment of the signature or of the will.

§ 2-504. Self-Proved Will.

An attested will may be made self-proved through compliance with Act No. 81-1209 or as otherwise provided by law.

§ 2-505. Who May Witness.

(a) Any person generally competent to be a witness may act as a witness to a will.

(b) A will or any provision thereof is not invalid because the will is signed by an interested witness.

§ 2-506. Choice of Law as to Execution.

A written will is valid if executed in compliance with Section 2-502 or if its execution complies with the law at the time of execution of the place where the will is executed, or with the law of the place where at the time of execution or at the time of death the testator is domiciled, has a place of abode or is a national.

§ 2-507. Revocation by Writing or by Act.

(a) A will or any part thereof is revoked by a subsequent will which revokes the prior will or part expressly or by inconsistency.

(b) A will is revoked by being burned, torn, canceled, obliterated, or destroyed, with the intent and for the purpose of revoking it by the testator or by another person in his presence by his consent and direction. If the physical act is by someone other than the testator, consent and direction of the testator must be proved by at least two witnesses.

§ 2-508. Revocation by Divorce; No Revocation by Other Changes of Circumstances.

If after executing a will the testator is divorced or his marriage annulled, the divorce or annulment revokes any disposition or appointment of property made by the will to the former spouse, any provision conferring a general or special power of appointment on the former spouse, and any nomination of the former spouse as executor,

trustee, or guardian, unless the will expressly provides otherwise. Property prevented from passing to a former spouse because of revocation by divorce or annulment passes as if the former spouse failed to survive the decedent, and other provisions conferring some power or office on the former spouse are interpreted as if the spouse failed to survive the decedent. If provisions are revoked solely by this section, they are revived by testator's remarriage to the former spouse. For purposes of this section, divorce or annulment means any divorce or annulment which would exclude the spouse as a surviving spouse within the meaning of Section 2-802(b). A decree of separation which does not terminate the status of husband and wife is not a divorce for purposes of this section. No change of circumstances other than as described in this section revokes a will.

§ 2-509. Revival of Revoked Will.

(a) If a second will which, had it remained effective at death, would have revoked the first will in whole or in part, is thereafter revoked by acts under Section 2-507, the first will is revoked in whole or in part unless it is evident from the circumstances of the revocation of the second will or from testator's contemporary or subsequent declarations in writing, signed by the testator and attested as prescribed in Section 2-502, that he intended the first will to take effect as executed.

(b) If a second will which, had it remained effective at death, would have revoked the first will in whole or in part, is thereafter revoked by a third will, the first will is revoked in whole or in part, except to the extent it appears from the terms of the third will that the testator intended the first will to take effect.

§ 2-510. Incorporation by Reference.

Any writing in existence when a will is executed may be incorporated by reference if the language of the will manifests this intent and describes the writing sufficiently to permit its identification.

§ 2-511. Testamentary Additions to Trusts.

A devise or bequest, the validity of which is determinable by the law of this State, may be made by a will to the trustee of a trust established or to be established by the testator or by the testator and some other person or by some other person (including a funded or unfunded life insurance trust, although the trustor has reserved any or all rights of ownership of the insurance contracts) if the trust is identified in the testator's will and its terms are set forth in a written instrument (other than a will) executed before or concurrently with the execution of the testator's will or in the valid last will of a person who has predeceased the testator (regardless of the existence, size, or

character of the corpus of the trust). The devise is not invalid because the trust is amendable or revocable, or because the trust was amended after the execution of the will or after the death of the testator. Unless the testator's will provides otherwise, the property so devised (1) is not deemed to be held under a testamentary trust of the testator but becomes a part of the trust to which it is given and (2) shall be administered and disposed of in accordance with the provisions of the instrument or will setting forth the terms of the trust, including any amendments thereto made before the death of the testator (regardless of whether made before or after the execution of the testator's will), and, if the testator's will so provides, including any amendments to the trust made after the death of a testator. A revocation or termination of the trust before the death of the testator causes the devise to lapse.

§ 2-512. Events of Independent Significance.

A will may dispose of property by reference to acts and events which have significance apart from their effect upon the dispositions made by the will, whether they occur before or after the execution of the will or before or after the testator's death. The execution or revocation of a will of another person is such an event.

Part 6
RULES OF CONSTRUCTION

§ 2-601. Requirement That Devisee Survive Testator by Five Days.

A devisee who does not survive the testator by five days is treated as if he predeceased the testator, unless the will of decedent contains some language dealing explicitly with simultaneous deaths or deaths in a common disaster, or requiring that the devisee survive the testator or survive the testator for a stated period in order to take under the will.

§ 2-602. Choice of Law as to Meaning and Effect of Wills.

The meaning and legal effect of a disposition in a will shall be determined by the local law of a particular state selected by the testator in his instrument unless the application of that law is contrary to the provisions relating to the elective share described in Sections 2-201 through 2-207 of this Act, the provisions relating to exempt property and allowances described in Sections 2-401 through 2-404 of this Act, or any other public policy of this State otherwise applicable to the disposition.

§ 2-603. Rules of Construction and Intention.

The intention of a testator as expressed in his will controls the legal effect of his dispositions. The rules of construction expressed in the succeeding sections of this Part apply unless a contrary intention is indicated by the will.

§ 2-604. Construction That Will Passes All Property; After-Acquired Property.

A will is construed to pass all property which the testator owns at his death including property acquired after the execution of the will.

§ 2-605. Anti-lapse; Deceased Devisee; Class Gifts.

If a devisee who is a grandparent or a lineal descendant of a grandparent of the testator is dead at the time of execution of the will, fails to survive the testator, or is treated as if he predeceased the testator, the issue of the deceased devisee who survive the testator by five days take in place of the deceased devisee and if they are all of the same degree of kinship to the devisee they take equally, but if of unequal degree then those of more remote degree take by representation. One who would have been a devisee under a class gift if he had survived the testator is treated as a devisee for purposes of this section whether his death occurred before or after the execution of the will.

§ 2-606. Failure of Testamentary Provision.

(a) Except as provided in Section 2-605 if a devise other than a residuary devise fails for any reason, it becomes a part of the residue.

(b) Except as provided in Section 2-605 if the residue is devised to two or more persons and the share of one of the residuary devisees fails for any reason, his share passes to the other residuary devisee, or to other residuary devisees in proportion to their interests in the residue.

§ 2-607. Change in Securities; Accessions; Nonademption.

(a) If the testator intended a specific devise of certain securities rather than the equivalent value thereof, the specific devisee is entitled only to:

(1) as much of the devised securities as is a part of the estate at time of the testator's death;

(2) any additional or other securities of the same entity derived from the securities specifically devised and owned by the testator by reason of action initiated by the entity excluding any acquired by exercise of purchase options;

(3) securities of another entity derived from the securities specifically devised and owned by the testator as a result of a merger,

consolidation, reorganization or other similar action initiated by the entity; and

(4) any additional securities of the entity owned by the testator as a result of a plan of reinvestment if it is a regulated investment company, which is defined in section 851 of the Federal Internal Revenue Code of 1954 as amended.

(b) Distributions prior to death with respect to a specifically devised security not provided for in subsection (a) are not part of the specific devise.

§ 2-608. Nonademption of Specific Devises in Certain Cases; Unpaid Proceeds of Sale, Condemnation or Insurance; Sale by Guardian or Curator.

(a) A specific devisee has the right to the remaining specifically devised property and:

(1) any balance of the purchase price (together with any security interest) owing from a purchaser to the testator at death by reason of sale of the property;

(2) any amount of a condemnation award for the taking of the property unpaid at death;

(3) any proceeds unpaid at death on fire or casualty insurance on the property; and

(4) property owned by testator at his death as a result of foreclosure, or obtained in lieu of foreclosure, of the security for a specifically devised obligation.

(b) If specifically devised property is sold by a guardian or curator, or if a condemnation award or insurance proceeds are paid to a guardian or curator as a result of condemnation, fire, or casualty, the specific devisee has the right to a general pecuniary devise equal to the net sale price, the condemnation award, or the insurance proceeds. This subsection does not apply if after the sale, condemnation or casualty, it is adjudicated that the disability of the testator has ceased and the testator survives the adjudication by one year. The right of the specific devisee under this subsection is reduced by any right he had under subsection (a).

§ 2-609. Non-Exoneration.

A specific devise passes subject to any mortgage interest existing at the date of death, without right of exoneration, regardless of a general directive in the will to pay debts.

§ 2-610. Exercise of Power of Appointment.

A general residuary clause in a will, or a will making general disposition of all of the testator's property, does not exercise a power of appointment held by the testator unless specific reference is made to the power or there is some other indication of intention to include the property subject to the power.

§ 2-611. Construction of Generic Terms to Accord with Relationships as Defined for Intestate Succession.

Halfbloods, adopted persons, and persons born out of wedlock are included in class gift terminology and terms of relationship in accordance with rules for determining relationships for purposes of intestate succession. However, a person born out of wedlock is not treated as the child of the father unless the person is openly and notoriously so treated by the father.

§ 2-612. Ademption by Satisfaction.

Property which a testator gave in his lifetime to a person is treated as a satisfaction of a devise to that person in whole or in part, only if the will provides for deduction of the lifetime gift, or the testator declares in a contemporaneous writing that the gift is to be deducted from the devise or is in satisfaction of the devise, or the devisee acknowledges in writing that the gift is in satisfaction. For purposes of partial satisfaction, property given during lifetime is valued as of the time the devisee came into possession or enjoyment of the property or as of the time of death of the testator, whichever occurs first.

Part 7
CONTRACTUAL ARRANGEMENTS RELATING TO DEATH

§ 2-701. Contracts Concerning Succession.

A contract to make a will or devise, or not to revoke a will or devise, or to die intestate, if executed after the effective date of this Act, can be established only by (1) provisions of a will stating material provisions of the contract; (2) an express reference in a will to a contract and extrinsic evidence proving the terms of the contract; or (3) a writing signed by the decedent evidencing the contract. The execution of a joint will or mutual wills does not create a presumption of a contract not to revoke the will or wills.

Part 8
GENERAL PROVISIONS

§ 2-801. Renunciation of Succession.

Renunciation of succession shall be through compliance with the Alabama Disclaimer of Property Interests Act – Ala. Code § § 35-17-1

through 35-17-9 — or as otherwise provided by law.

§ 2-802. Effect of Divorce, Annulment, and Decree of Separation.

(a) A person who is divorced from the decedent or whose marriage to the decedent has been annulled is not a surviving spouse unless, by virtue of a subsequent marriage, he is married to the decedent at the time of death. A decree of separation which does not terminate the status of husband and wife is not a divorce for purposes of this section.

(b) For purposes of Sections 2-101 through 2-404, a surviving spouse does not include:

(1) a person who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, which decree or judgment is not recognized as valid in this State, unless they subsequently participate in a marriage ceremony purporting to marry each to the other, or subsequently live together as man and wife;

(2) a person who, following a decree or judgment of divorce or annulment obtained by the decedent, participates in a marriage ceremony with a third person; or

(3) a person who is a party to a valid proceeding concluded by an order purporting to terminate all marital property rights.

§ 2-803. Effect of Homicide on Intestate Succession, Wills, Joint Assets, Life Insurance and Beneficiary Designations.

(a) A surviving spouse, heir or devisee who feloniously and intentionally kills the decedent is not entitled to any benefits under the will or under this Article, and the estate of decedent passes as if the killer had predeceased the decedent. Property appointed by the will of the decedent to or for the benefit of the killer passes as if the killer had predeceased the decedent.

(b) Any joint tenant who feloniously and intentionally kills another joint tenant thereby effects a severance of the interest of the decedent so that the share of the decedent passes as his property and the killer has no rights by survivorship. This provision applies to joint tenancies with the right of survivorship and tenancies in common during the respective lives of the grantees with cross-contingent remainders in fee to the survivor in real and personal property, joint and multiple-party accounts in banks, savings and loan associations, credit unions and other institutions, and any other form of co-ownership with survivorship incidents.

(c) A named beneficiary of a bond, life insurance policy, or other

contractual arrangement who feloniously and intentionally kills the principal obligee or the person upon whose life the policy is issued is not entitled to any benefit under the bond, policy or other contractual arrangement, and it becomes payable as though the killer had predeceased the decedent.

(d) Any other acquisition of property or interest by the killer shall be treated in accordance with the principles of this section.

(e) A final judgment of conviction of felonious and intentional killing is conclusive for purposes of this section. In the absence of a conviction of felonious and intentional killing the Court may determine by a preponderance of evidence whether the killing was felonious and intentional for purposes of this section.

(f) This section does not affect the rights of any person who, before rights under this section have been adjudicated, purchases from the killer for value and without notice property which the killer would have acquired except for this section, but the killer is liable for the amount of the proceeds or the value of the property. Any insurance company, bank, or other obligor making payment according to the terms of its policy or obligation is not liable by reason of this section unless prior to payment it has received at its home office or principal address written notice of a claim under this section.

Part 9
CUSTODY OF WILLS

§ 2-901. Duty of Custodian of Will; Liability.

After the death of a testator and on request of an interested person, any person having custody of a will of the testator shall deliver it with reasonable promptness to a person able to secure its probate and if none is known, to an appropriate Court. Any person who wilfully fails to deliver a will is liable to any person aggrieved for the damages which may be sustained by the failure. Any person who wilfully refuses or fails to deliver a will after being ordered by the Court in a proceeding brought for the purpose of compelling delivery is subject to the penalty for contempt of court.

ARTICLE VIII
EFFECTIVE DATE AND REPEALER

§ 8-101. Time of Taking Effect; Provisions for Transition.

(a) This Act takes effect on January 1, 1983.

(b) Except as provided elsewhere in this Act, on the effective date of this Act:

(1) the Act applies to any wills of decedents dying thereafter;

(2) an act of any personal representative or guardian done before the effective date in any proceeding and any accrued right is not impaired by this Act. If a right is acquired, extinguished or barred upon the expiration of a prescribed period of time which has commenced to run by the provisions of any statute before the effective date, the provisions shall remain in force with respect to that right; and

(3) any rule of construction or presumption provided in this Act applies to instruments executed before the effective date unless there is a clear indication of a contrary intent.

§ 8-102. Specific Repealer and Amendments.

(a) The following sections as amended and all other sections and parts of sections in the Code of Alabama 1975 inconsistent herewith are hereby repealed:

Sections 6-10-60 through 6-10-66;

Sections 43-1-1 through 43-1-13;

Sections 43-1-15 through 43-1-17;

Sections 43-1-30 through 43-1-35;

Section 43-1-40;

Sections 43-3-1 through 43-3-12;

Sections 43-3-30 through 43-3-34;

Sections 43-5-1 through 43-5-5;

Sections 43-5-20 through 43-5-23;

Sections 43-5-41 through 43-5-53; and

Section 43-6-1.

(b) The following sections in the Code of Alabama 1975 are hereby amended as follows:

§ 6-10-81. Same - Duty to Set Apart Personal Property; Return of Report.

The appraisers, as early as practicable, shall set apart the exempt personal property, having regard, as far as consistent with their duties, to the selection made by the surviving spouse or the guardian of the minor child or children, if such selection is made; estimating it at its appraised value and permitting the surviving spouse or, if there is no surviving spouse or the surviving spouse fails to act, the guardian of the minor child or children to select the same. Within 10 days there-

after, the appraisers shall return the inventory and appraisement a report of the property so set apart, showing each item thereof and its appraised value.

§ 6-10-82. Same - Report of Homestead Appraisement.

The appraisers shall also appraise the homestead of the decedent occupied by the decedent at the time of death or to which the decedent was then entitled, and they shall report the appraisement thereof when the inventory and appraisement of the personal property are returned, with a full and accurate description of the same.

§ 6-10-83. Proceedings to Set Apart Homestead When Same Exceeds Value Allowed.

When it appears from the report of the appraisers that the homestead exceeds in value $6,000.00 160 acres, the probate court shall forthwith appoint three commissioners, who shall, as soon as practicable not exceeding 30 days after their appointment, set off and allot the homestead exempt, having regard to both the quality and value of the property and to the selection of the surviving spouse or, if there is no surviving spouse or the surviving spouse fails to act, of the guardian of the minor child or children, if there is such guardian; and, within 10 days thereafter, the commissioners shall return to the court in writing the homestead set off and allotted by them.

§ 6-10-92. Exceptions to Report of Appraisers that Homestead Does not Exceed Allowance.

When the report of the appraisers shows that the homestead does not exceed in value $6,000.00, exceptions may be filed thereto by the personal representative or other person in adverse interest; and, if such exceptions are filed, proceedings may be had thereof as in case of a report allotting or setting apart the homestead.

§ 26-10-5. Recordation, Inspection, etc., of Petition, Orders, etc., in Adoption Proceedings; Effect of Final Order of Adoption as to Legal Rights, Obligations, etc., of Natural Parents, Adopting Parents and Child Generally; Rights as to Inheritance By, From and Through Adopted Child Generally; Annulment, Avoidance, etc., of Final Adoption Order.

(a) The petition and all orders in adoption proceedings shall be recorded in a book kept for that purpose and properly indexed. Such book shall be a part of the permanent records of the Probate court in which such proceedings are had and all reports and affidavits shall be properly filed. The files and records of the Probate court in adoption proceedings shall not be open to inspection or copy by persons other than the parties in interest and their attorneys and representatives

of the state department of pensions and security, except upon an order of the Probate court expressly permitting the same.

(b) When the final order of adoption shall have been entered, the natural parents of the child, if living, shall be divested of all legal rights and obligations due from them to the child or from the child to them and the child shall be free from all legal obligations of obedience or otherwise to such parents. The adopting parent or parents of the child shall be invested with every legal right in respect to obedience and maintenance on the part of the child as if said child had been born to them in lawful wedlock, including the right of said adopting parent or parents of inheritance to real estate and to the distribution of personal estate on the death of such adopted child as if said child had been born to them in lawful wedlock, and the child shall be invested with every legal right, privilege, obligation and relation in respect to education, maintenance and the rights of inheritance to real estate and to the distribution of personal estate on the death of such adopting parent or parents as if born to them in lawful wedlock.

(c) A final order of adoption made and entered by a Probate court shall not be annulled, avoided, set aside or impaired after the lapse of five years from the date thereof because of any irregularity, infirmity or defect in the adoption proceedings.

§ 43-2-231. Appointment of Administrators.

It shall be lawful for the respective probate courts of this State to appoint administrators of the estates of persons who are presumed to be dead on account of absence for five or more years from the place of their last domicile within this State as provided in this article.

8-103. Savings Clause.

No provision of this Act shall be construed to void, alter, or modify, when invoked the equity jurisdiction or powers of Jefferson and Mobile Counties.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-400 S. 129—Mr. Parsons

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board For General Contractors as provided in Section 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections

34-8-2 and 34-8-4 so as to: delete the requirement that at least 80 percent of the first job of a newly licensed contractor be satisfactorily performed before performing work beyond that contract; change the time within which charges must be heard and to change the place of the hearing.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Section 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Licensing Board for General Contractors, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-8-1 through 34-8-27, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Licensing Board For General Contractors, created and functioning pursuant to Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-8-2 and 34-8-4 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 34-8-2.

"(a) Any person desiring to be licensed or desiring a renewal of an existing license as a general contractor in this state shall make and file with the board, not less than 30 days prior to any regular or special meeting thereof, a written application on such form as may then be by the board prescribed for examination by the board, which application shall be accompanied by $200.00 for a new application or $100.00 in case of a renewal. The applicant shall apply for a license covering the type or types of contracts on which he wishes to perform, and the board shall classify contractors according to the type or types of contracts on which they may perform, within maximum bid limits, on the following basis: the applicant's request, his last annual financial statement, prepared by a certified public accountant (C.P.A.), or by any independent licensed public accountant approved by the licensing board for general contractors, his previous experience, equipment and the facts in each case. An applicant shall not be so classified as to permit him to bid on or to perform a type of work not included in his request for a license. If the application is satisfactory to the board, then the applicant may be required to take an examination to determine his qualifications. If

the result of the examination of the applicant is satisfactory to the board, the board shall then issue to the applicant a certificate to engage in general contracting in the state of Alabama, stipulating in each license issued the type or types of work the contractor is permitted to bid on or to perform under his license, and also setting out a letter symbol indicating the maximum limits on which he is permitted to bid or to perform in a single contract. The maximum bid limits shall be set by the formula of not more than 10 times the net worth as shown by the applicant's latest financial statement and designated in the classification set out herein that is the closest to this amount. Should the applicant's financial statement fail to substantiate the limits requested, further consideration may be given to (1) the present market value in lieu of book value of listed assets when properly supported with substantiating evidence; and '(2) a combined statement of the applicant that includes other wholly owned or substantially owned interests. When the applicant's statement qualifies for an amount in excess of classification 'E,' the limits shall then be set as classification 'U' – unlimited. The following letter symbols indicate the maximum amount bid limits allowed a licensee on any one single contract undertaking:

A	Not to exceed	$ 100,000.00
B	Not to exceed	250,000.00
C	Not to exceed	500,000.00
D	Not to exceed	1,000,000.00
E	Not to exceed	3,000,000.00
U	Unlimited	

"(b) Any person failing to pass such examination may be reexamined at any regular or call meeting of the board. The certificate of authority to engage in the business of general contracting in the state of Alabama shall expire on December 31 following its issuance or renewal and shall become invalid on that date unless renewed. Upon the renewal of a license, the board shall reclassify or confirm the license both as to the types of work and bid limits as specified in this section. A licensee may apply for and, on proof satisfactory to the board, may receive an increase in the amount of his bid limit or a change in his classification. Application for renewal of a license, together with the payment of a fee of $100.00, received by the board at least 30 days prior to expiration, shall serve to extend the current license until the board either renews the license or denies the application. At the discretion of the board, a limited license may be issued for a particular project.

"Section 34-8-4.

"The board shall have the power to revoke the certificate of license of any general contractor licensed hereunder who is found

guilty of any fraud or deceit in obtaining a license or gross negligence, incompetence or misconduct in the conduct of business. Any person may prefer charges of such fraud, deceit, negligence or misconduct against any general contractor licensed hereunder. Such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within 90 days after the date on which they were preferred. The hearing shall be held at the office of the State Licensing Board For General Contractors in Montgomery, Alabama. A copy of the charges, together with the notice of the time and place of hearing, shall be legally served on the accused by the secretary of the board, any sheriff in the state or by registered or certified mail, at least 10 days before the fixed date for the hearing; and, in the event that such service cannot be effected 10 days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses against him, her or them and to produce evidence of witnesses in his, her or their defense. If after said hearing the board votes in favor of finding the accused guilty, the board shall revoke the license of the accused. The board may reissue a license to any person, firm or corporation whose license has been revoked. The board shall immediately notify the secretary of state and the clerk of each incorporated city, town or county in the state of its findings in the case of the revocation or of the reissuance of a revoked license. A certificate of license to replace any certificate lost, destroyed or mutilated may be issued subject to the rules and regulations of the board."

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-401 S. 288—Mr. Barron

AN ACT

To amend Section 27-7-11, Code of Alabama 1975, which provides for the contents and conducting of licensing examinations for property, casualty and surety insurance representatives, so as to provide further for said examinations and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-7-11, Code of Alabama 1975, is hereby amended to read as follows:

"§ 27-7-11. (a) An applicant for license as agent, broker or solicitor shall be so examined as to any one or more of the following kinds of insurance or insurance classifications, as applied for:

"(1) Automobile physical damage insurance;

"(2) Automobile liability insurance;

"(3) General casualty insurances;

"(4) Property insurance, from which questions dealing with wet marine and transportation insurance may be omitted in the commissioner's discretion;

"(5) Fidelity and surety insurances; and

"(6) Any other reasonable classification prescribed by order of the commissioner.

(b) The rules and regulations of the commissioner shall designate textbooks, manuals and other materials to be studied by applicants in preparation for examinations in each classification designated by the commissioner pursuant to section 27-7-11. Such textbooks, manuals or other materials may consist of matter available to applicants by purchase from the publisher or may consist of matter prepared at the direction of the commissioner and distributed to applicants upon request and payment of the reasonable cost thereof. If textbooks, manuals or other materials are so designated or prepared by the commissioner, all examination questions shall be prepared from the contents of such textbooks, manuals or other materials. Prior to the examination, the commissioner shall value each question to be asked therein and the sum of such values shall total 100. Each of the answers given shall correspondingly be valued proportionately to its correctness, and the sum of such values totaling 70 shall constitute a passing grade. The commissioner may secure the assistance of the state personnel department in the preparation and analysis of the written portions of the examination.

"(c) The commissioner shall give, conduct and grade all examinations in a fair and impartial manner and without unfair discrimina-

tion as between individuals examined.

"(d) Upon the completion of the examination, the questions and answers of the applicant shall, by the person conducting the examination, be sealed in an envelope and forthwith delivered to the commissioner and be graded within the next 10 days.

"(e) His graded examination papers shall be available for review by the applicant at the commissioner's office at Montgomery for a period of not less than six months after the date of the examination."

Section 2. This act shall become effective October 1, 1982.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-402 S. 307—Mr. Callahan

AN ACT

To amend Section 40-23-1, Alabama Code, 1975, as amended, so as to provide that the dispensing or transferring of ophthalmic materials to a patient by licensed ophthalmologists or optometrists as part of their professional service, shall not be considered a sale subject to the state sales tax; to place the responsibility for collecting the sales tax on the transfer of ophthalmic materials on the supplier of such materials to licensed ophthalmologists and optometrists; and to provide that in limited circumstances, the transfer of ophthalmic materials by opticians shall not be considered a sale subject to the state sales tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-1, Alabama Code, 1975, as amended, is amended to read as follows:

"(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

"(1) PERSON or COMPANY. Used interchangeably, includes any individual, firm, copartnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

"(2) DEPARTMENT. The department of revenue of the state of Alabama.

"(3) COMMISSIONER. The commissioner of revenue of the state of Alabama.

"(4) TAX YEAR or TAXABLE YEAR. The calendar year.

"(5) SALE or SALES. Installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

"(6) GROSS PROCEEDS OF SALES. The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and 'gross proceeds of sales' shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term 'gross proceeds of sale' shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

"(7) TAXPAYER. Any person liable for taxes hereunder.

"(8) GROSS RECEIPTS. The value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever and without any deductions on account of losses. Said term 'gross receipts' shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of

any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

"(g) WHOLESALE SALE or SALE AT WHOLESALE. Any one of the following:

"a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;

"b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, whether or not any such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it becomes a component of the finished product; provided, however that it is the intent of this section that no capital equipment, machinery, tools, or product, except for those materials essential for the reaction process and in direct contact with the intermediate and finished product used for the production of the finished product shall be exempt and the furnished container and label thereof;

"c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons;

"d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons.

"e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products;

"f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse;

"g. A sale of bagging and ties used in preparing cotton for market;

"h. A sale to meat packers, manufacturers, compounders or processors of meat products of all casings used in molding or forming weiners and Vienna sausages even though such casings may recovered for reuse;

"i. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;

"j. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;

"k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person, which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

"(10) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the state of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators,

mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term 'sale at retail' or 'retail sale' shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon.

"(11) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

"(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

"(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

"(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein

where the trucker is either a licensed dealer in lumber or, if a resident of Alabama, has registered with the department of revenue, and has received therefrom a certificate of such registration or, if a nonresident of this state purchasing lumber for resale outside the state of Alabama, has furnished to the lumber manufacturer his name, address and vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become invalid for the purpose of this division on February 1."

(d) The dispensing or transferring of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses and other therapeutic optic devices, to a patient by a licensed ophthalmologist or optometrist, as a part of his or her professional service, shall not, for purposes of this division, be deemed or considered to constitute a sale, subject to the state sales tax. Such licensed ophthalmologist or optometrist shall be considered the ultimate consumer of the ophthalmic materials and shall have no responsibility or duty pursuant to this division for the collection of the state sales tax. The sale of the ophthalmic materials to a licensed ophthalmologist or optometrist by a supplier thereof shall be considered a retail sale subject to the state sale tax, and the supplier shall be responsible for collecting such sales tax from the licensed ophthalmologist or optometrist. In no event shall the providing of professional services in connection with the dispensing or transferring of ophthalmic materials by a licensed ophthalmologist or optometrist be considered a sale subject to the state sales tax. All transfers of ophthalmic materials by opticians shall be considered retail sales subject to the state sales tax. The term supplier shall include but not be limited to optical laboratories, ophthalmic material wholesalers, or anyone selling ophthalmic materials to ophthalmologists and optometrists.

Section 2. Severability. The provisions of this Act are severable. If any portion of this Act be held unconstitutional or invalid, it shall not affect any portion of this Act not in itself unconstitutional or invalid.

Section 3. Effective date. This Act shall become effective the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-403 S. 358—Mr. Denton

AN ACT

To amend Section 41-9-680, Code of Alabama 1975, relating to the Music Hall of Fame Board, so as to alter the board's composition.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-9-680, Code of Alabama 1975, is hereby amended to read as follows:

"§ 41-9-680.

"There shall be created and established as herein provided a board to be designated and known as the Alabama Music Hall of Fame Board. The board shall be composed of seven members, who shall be appointed by the governor of Alabama for terms of six years each; provided, that of the first members appointed under any restructured board, two shall serve for two years and two shall serve for four years, as the governor may direct. Four board members shall be appointed from the membership of the Muscle Shoals Music Association and three board members shall be appointed from the state at large and shall not be employed in the music business. The members of the board shall select a chairman and vice chairman from among their own number. Members of the board shall not be compensated for their services, but each member shall be entitled to reimbursement for expenses incurred in attending board meetings. The board shall meet quarterly and at such other times as its rules and by-laws may prescribe. A majority of the members shall constitute a quorum for transaction of business."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-404 S. 459—Mr. Hall

AN ACT

Relating to Walker County; providing for an additional fee for the issuance of a pistol permit fee by the sheriff; providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all fees now provided for collected in Walker County for the issuance of pistol permit fees, the sheriff shall collect an additional fee in the amount of $9.50 for the issuance of each such pistol permit. The net proceeds generated by such additional fee shall be deposited in a fund hereinafter known as "The Sheriff's Pistol Permit Fund" and the sheriff shall expend sums therefrom only for law enforcement purposes. All fees collected pursuant to this act shall be supplemental to the provisions of all other laws relating to pistol permit fees and Act No. 738, H. 1842 of the 1973 Regular Session (Acts 1973, p. 1098).

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with the provisions of this act are hereby repealed only to the extent they are in direct conflict with the provisions of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-405 S. 494—Mr. Mitchem

AN ACT

Relating to Marshall County; levying an additional 1% lodgings tax to be used by the Marshall County Tourism Commission for the promotion of Marshall County as a tourist destination; providing that the state department of revenue shall collect such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes imposed by law, there is hereby levied a privilege or license tax in the amount hereinafter prescribed against every person engaging in Marshall county in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transient in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The amount of the tax shall be equal to one percent (1%) of the charge for such

rooms, lodgings or accommodations, including the charge for use of rental of personal property and services furnished in such room or rooms.

Section 2. There are exempted from the provisions of the tax levied by this Act and from the computation of the amount of the tax levied or payable hereunder the following: Charges for property sold or services furnished which are required to be included in the tax levied by the State Sales Tax Act; charges for the rental of rooms, lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; charges for the rental of rooms, lodgings or accommodations to a person for a period of thirty (30) continuous days or more.

Section 3. The taxes levied by this Act, except as otherwise provided herein, shall be due and payable to the state department of revenue on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this Act shall render to the department of revenue on a form prescribed by said department, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the department of revenue may demand and require; and at the time of making such monthly report the taxpayer shall compute and pay to the department of revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this Act to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this Act. Such records shall be kept and preserved for a period of two (2) years and shall be open for examination at any time by the state department of revenue or by any duly authorized agent, deputy or employees of said department.

Any person who fails to pay the tax levied by this Act within the time required by this Act shall pay in addition to the tax a penalty of ten percent (10%) of the amount of tax due, together

with interest thereon from the date on which the tax became due and payable at the rate due and payable on the state lodgings tax, such penalty and interest to be assessed and collected as a part of the tax; provided, however, that the state department of revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

Section 4. All provisions of the state lodging tax statutes with respect to payment, assessment and collection of the state lodging tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax; make reports, or otherwise comply with the state lodging tax statutes, the promulgation of rules and regulations with respect to the state lodging tax, and the administration and enforcement of the state lodging tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied by this Act, shall apply to the county tax levied. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties, and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state lodging tax statutes. All provisions of the state lodging tax statutes that are made applicable to this Act to the county taxes levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 5. None of the provisions of this Act shall be applied in such manner as to violate the commerce clause of the Constitution of Alabama. Should any provision of this Act be held invalid, the invalidity thereof shall not affect the remaining provisions of this Act.

Section 6. The state department of revenue shall charge Marshall County for collecting the county tax levied herein, an amount or percentage of total collections not to exceed ten percent of the total amount of tax collected hereunder. Such charge for collecting the tax for the county may be deducted each month from the proceeds of the tax before certifying the amount thereof due Marshall County Treasurer for that month.

Section 7. The Marshall County treasurer shall deposit the net proceeds of the lodgings tax collected hereunder to the account of the Marshall County Tourism Commission for its use in promoting tourism within Marshall County.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective the first day of the

second month following its passage and approval by the Governor or upon its otherwise becoming law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-406 S. 531—Mr. Cook

AN ACT

To amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), relating to Shelby County and the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the Judge of Probate and the collection and disposition of a special index fee therefor, so as to further provide for such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act relate to Shelby County.

Section 2. Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778) is hereby amended to read as follows:

"Section 7. Special Recording Fees. Thirty days after the date this Act becomes applicable to Shelby County, a special index fee of $1.00 shall be paid to the county, and collected by its Judge of Probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said Judge of Probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county, and, on and after such date, no such instrument shall be received for record in the office of said Judge of Probate unless the said special index fee of $1.00 is paid thereon. Said special index fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special index fees so collected shall be covered into the county treasury, and shall be credited to the account of a special fund to be expended for payment of initial installation costs and the cost as needed of additional equipment that may be added to the probate office from time to time. Provided, however, that any sums so collected in excess of that needed to implement the provisions of this act may, in the sole discretion of the Judge of Probate, be expended for the operations of the office of the Judge of Probate."

Section 2. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-407 H. 80—Reps. Biddle, Willis, Brakefield

AN ACT

To amend Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, relating to certain resident and nonresident hunting licenses so as to increase the license fees for nonresident licenses, set the expiration date, provide for the contents of the license, set certain penalties and set the maximum number of deer which may be taken under a nonresident license.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, are hereby amended to read as follows:

"§ 9-11-44. Any person who has reached his sixteenth birthday and who has not yet reached his sixty-fifth birthday and who has resided in Alabama continuously for a period of not less than 90 days next preceding, and who is not serving as a member of the armed forces of the United States of America during any period of time in which the United States of America is in a state of war, as declared by an act of congress, must procure an annual state hunting license for himself before such person is entitled to hunt in this state by filing his application with the person in any county of the state duly authorized to issue said license, stating his name, age, place of residence, post office address, and after paying to the person issuing same a license fee of $10.00. Any such person may procure a county hunting license for himself by filing his application with the person in the county in which he permanently resides, duly authorized to issue said license, stating as provided above, and after paying to the person issuing same a license fee of $5.00."

"All persons making application for an annual state hunting license as provided in this section shall present a driver license or in the case of nondrivers, proof of permanent residence. All licenses required by this section shall bear the driver license number of the licensee, except in the case of nondrivers, and all licenses shall bear proof of residence as required by the commissioner of conservation and natural resources."

"Every person who obtains an annual state hunting license without presenting a driver license or in the case of nondrivers, proof

of permanent residence, shall be punished by a fine of not less than twice the amount of the required license."

"The licenses required by this section shall not apply to any person or member of his immediate family who hunts on lands owned by him, nor shall it include any tenant or member of his immediate family who hunts on lands leased or rented by such tenant and who resides on such lands."

"All persons under the age of 16 years shall be exempted from the requirement of procuring such licenses. Any citizen of this state over 65 years of age shall be exempted from the requirement of procuring a hunting license as provided for herein upon payment of an issuing fee not to exceed $1.00 to any judge of probate or license commissioner and, upon satisfactory proof to such judge of probate or license commissioner that he has attained the age of 65 years, an exempted hunting license will thereupon be issued to such person. Such exempted license issued to any citizen of this state who has attained the age of 65 years shall be issued upon a lifetime basis and without further requirements of annual renewal. In the event such license is lost, such citizen may acquire a similar license by paying to any judge of probate or license commissioner an issuing fee not to exceed $1.00 and upon again presenting satisfactory proof that he has attained the age of 65 years."

"All license fees collected under this section shall be deposited in the state treasury to the credit of the game and fish fund."

"§ 9-11-47. Any nonresident of this state who is 16 years old or older must procure an annual 'all game hunt license' to hunt all legal game in this state by filing his application with the commissioner of conservation and natural resources or any judge of probate or other person authorized to issue same, stating his age, race, place of residence and post office address and after paying to the person issuing said license a fee of $175.00.

"Every person making application for nonresident game license as provided in this section and Sections 9-11-46, 9-11-48 and 9-11-49 of Code of Alabama 1975 shall present a driver license or in the case of nondrivers, proof of permanent residence. All nonresident game licenses shall bear the driver license number of the licensee and the state where said license was issued, except in the case of nondrivers, and all licenses shall bear proof of residence as required by the commissioner of conservation and natural resources."

"Every person who obtains a nonresident game license without presenting a driver license or in the case of nondrivers, proof of permanent residence, shall be punished by a fine of not less than twice the applicable license fee."

"All game hunt licenses issued pursuant to this section shall be valid for hunting deer only from the opening date of statewide deer season through December 31 of that same year. Provided, however, the provisions of this paragraph as to the expiration date of such licenses shall not apply to nonresidents of this state who pay a fee to an authorized guide hunting service. The commissioner of the department of conservation and natural resources is hereby authorized to promulgate rules and regulations setting out the requirements for an approved guide hunting service."

"The issuing officer or authority shall be allowed a fee of $.50 for each nonresident license issued by him as provided in this section and Sections 9-11-46, 9-11-48 and 9-11-49, which issuing fee shall be in addition to the cost of the license."

"It shall be unlawful for any person to take or kill more than three deer or two turkeys during the period for which said person is issued a license as provided in this section."

"§ 9-11-49. Any nonresident of this state who is 16 years or older must procure a 'trip all game hunt license' to hunt all legal game in this state in the same manner as provided for procuring the nonresident annual hunting licenses provided for in sections 9-11-46 and 9-11-47 by paying therefor the sum of $75.00, which license will authorize the holder thereof to hunt in this state for a period of five days from the day said license was issued."

"Trip all game hunt licenses issued pursuant to this section shall be valid only for five day periods between the opening date of statewide deer season and December 31 of that same year."

"It shall be unlawful for any person to take or kill more than three deer or two turkeys during any five day period for which said person is issued a license as provided in this section."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-408 H. 154—Rep. Owens

AN ACT

To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1983, the sum of One Hundred Twenty Five Thousand Dollars ($125,000.00), from the funds in the Alabama Special Educational Trust Fund, to the Lyman Ward Military Academy located in Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the legislature each year, before any subsequent appropriation requests may be considered by the legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1982.

Approved April 27, 1982

Time: 7:00 A.M.

Act No. 82-409 H. 155—Rep. Owens

AN ACT

To make appropriations for the support and maintenance of the Talladega College.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1983, the sum of Three Hundred Thousand Dollars ($300,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Talladega College located at Talladega, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1982.

Approved April 27, 1982

Time: 7:00 A.M.

Act No. 82-410 H. 156—Rep. Owens

AN ACT

To make appropriations for the support and maintenance of the Marion Military Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1983, the sum of Three Hundred Twenty Five Thousand Dollars ($325,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Marion Military Institute at Marion, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1982.

Approved April 27, 1982

Time: 7:00 A.M.

Act No. 82-411 H. 158—Rep. Owens

AN ACT

To make appropriations for the support and maintenance of the Walker County Junior College.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1983, the sum of Four Hundred Thousand Dollars ($400,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Walker County Junior College located

at Jasper, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1982.

Approved April 27, 1982

Time: 7:00 A.M.

Act No. 82-412 H. 397—Rep. Reed

AN ACT

To make appropriations for the support and maintenance of the Tuskegee Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the Fiscal year ending September 30, 1983, the sum of One Million Four Hundred Sixty Thousand Dollars ($1,460,000.00) out of the funds in the Alabama Special Educational Trust Fund, to the Tuskegee Institute located at Tuskegee, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This act shall become effective October 1, 1982.

Approved April 27, 1982

Time: 7:00 A.M.

Act No. 82-413 H.J.R. 386—Rep. Gafford

HOUSE JOINT RESOLUTION

RETURNING H.J.R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE FOR CUSTODY AND ASSIGNMENT OF ACT NUMBER.

WHEREAS, the Alabama Legislature enacted H.J.R. 165, by passage in the Alabama House of Representatives on the 20th legislative day, March 23, 1982, and adoption in the Alabama Senate on the 26th legislative day, April 8, 1982, and now finds it in its possession; and

WHEREAS, said H.J.R. 165 resets the election date for Act No. 81-889, S. 32 of the First Special Session 1981, and rescinds the date therefor for the proposed constitutional amendment on budgetary matters; and

WHEREAS, the said H.J.R. 165 stated in pertinent part that:

"BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him"; and

WHEREAS, any purported executive veto of any order, vote or resolution on questions of, inter alia, "the bringing on of elections by the two houses and amending this Constitution" can be only a nullity and is without the constitutional authority of the Governor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do, in accordance with Sections 125, 284 and 287, Constitution of Alabama 1901, return H.J.R. 165, 1982 Regular Session, to the Secretary of State and hereby direct that he assign an Act number to said H.J.R. 165, abide by the requirements prescribed therein and keep such document which relates to amending the Constitution and election date called therefor within the exclusive possession of his official capacity, so that the ballot shall be prepared and the date proclaimed as designated in H.J.R. 165, 1982 Regular Session.

BE IT FURTHER RESOLVED, That we do direct the Clerk of the House to cause delivery forthwith directly to the Secretary of State and that no copies of this resolution shall be sent to the Governor.

Passed the House April 26, 1982

Passed the Senate April 26, 1982

Act No. 82-414 H.J.R. 165—Rep. Gafford

HOUSE JOINT RESOLUTION

RESETTING THE ELECTION DATE FOR ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTIONAL AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, AND RESCINDING THE ELECTION DATE THEREON AS DESIGNATED BY ACT NO. 81-1190, H.J.R. 75, THIRD SPECIAL SESSION 1981.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H.J.R. 75, Third Special Session 1981, is hereby rescinded and the said constitutional amendment proposed by Act No. 81-889 shall be on the ballot at the first primary or general election in 1984.

RESOLVED FURTHER, That copies of this resolution shall be sent to the Secretary of State, to the Clerk of the House and to the Secretary of the Senate.

BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution, relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him.

Passed the House March 23, 1982

Passed the Senate April 8, 1982

Act No. 82-415 S. 432—Messrs. Teague and Goodwin

AN ACT

To amend Section 40-17-38 of the Code of Alabama 1975, relating to discounts to distributors of gasoline, so as to provide further for certain discounts for volume losses of gasoline resulting from evaporation shrinkage.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-17-38 of the Code of Alabama 1975, is

hereby amended to read as follows:

"Section 40-17-38.

"The commissioner of the department of revenue is hereby authorized and directed to allow refiners, storers, distributors or wholesalers, as defined by section 40-17-30, who have been licensed by the department of revenue under the provisions of section 40-12-191, and who have made bond, as is required under section 40-12-194, a discount in an amount equal to two percent of the first $5,000.00 of tax paid and one percent of all amounts of tax paid in excess of $5,000.00 under the provisions of section 40-17-31, as amended, not to exceed in any case $200.00 on taxes paid in any one month, the amount of said discount being for the purpose of partially defraying the costs to such licensed and bonded refiners, storers, distributors or wholesalers of making reports to the department of revenue and of maintaining complete and accurate records to the reporting and paying of this tax. Whoever defaults in reporting and paying such taxes when the same become due and payable to the state shall not be allowed a discount under this section.

"The commissioner of the department of revenue shall allow distributors or wholesalers, as defined in Section 40-17-30, who have been licensed by the department of revenue under the provisions of Section 40-12-191, and who have made bond, as required in Section 40-12-194, and who remit their state gasoline taxes based on receipts, a discount in an amount equal to two percent (2%) of all amounts of gasoline taxes paid under the provisions of Section 40-17-31, as amended, and Section 40-17-220, as amended, the amount of said discount, which shall not exceed $500.00 per month, being for the purpose of partially defraying the cost of losses in volume due to the evaporation shrinkage incurred in the handling of gasoline by such licensed and bonded distributors or wholesalers as defined in this article. The commissioner of revenue is authorized and directed to promulgate reasonable rules and regulations to effectuate the purposes of this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1982

Time: 7:00 A.M.

AN ACT

To provide that certain retirement income of military personnel shall be exempt from state, county and municipal income taxes; to amend Section 40-18-20 of the Code of Alabama 1975, so as to increase the amount of retirement income that shall be exempt from taxation; to provide for different amounts of such exemption to become effective at subsequent dates.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-18-20 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-20.

"The first $8,000.00 retirement or compensation received as retirement benefit from the military services by any person retired from the military services of the United States of America and survivor benefits derived therefrom is hereby exempt from any state, county or municipal income tax or like tax by whatever name called."

Section 2. The provisions of Section 1 of this Act shall become effective January 1, 1983.

Section 3. Effective January 1, 1985, the amount of the exemption provided for in Section 40-18-20 of the Code of Alabama 1975, shall be increased to $10,000.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-417 H. 542—Reps. Drinkard, Ford

AN ACT

To provide that the State Personnel Board, with the approval of the Governor, may provide that the State shall pick-up member contributions to the Employees' Retirement System of Alabama and that such contributions shall be treated as employer contributions for federal income tax purposes but shall continue to be treated as before for all other state law purposes and to further provide that the Supreme Court of Alabama may provide that the State and counties shall pick-up member contributions to the Judicial Retirement Fund and that such contributions shall be treated as employer contributions for federal tax purposes but shall continue to be treated as before for all other state law purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Personnel Board, with the approval of the Governor, may provide that the State shall pick-up member contributions to the Employees' Retirement System of Alabama as

required by § 36-27-24(b), Code of Alabama 1975, on behalf of all state employees who participate in the Employees' Retirement System by a corresponding reduction in the salary of the member, such pick-up to be mandatory for all such employees, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code. These contributions shall be paid from the same source of funds which is used in paying earnings to the employee. If employee contributions are so picked up they shall be treated for all other purposes of state law in the same manner and to the same extent as employee contributions made prior to the date picked up.

Section 2. The Supreme Court of Alabama may provide that the State shall pick-up member contributions to the Judicial Retirement Fund as required by § § 12-18-5 and 12-18-52, Code of Alabama 1975, on behalf of all appellate justices or judges, circuit and district judges who participate in the Judicial Retirement Fund and that the counties shall pick-up member contributions to the Judicial Retirement Fund as required by § 12-18-81, Code of Alabama 1975, on behalf of all probate judges who participate in the Judicial Retirement Fund, by a corresponding reduction in the salary of the member, such pick-up to be mandatory for all such judges, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code. These contributions shall be paid from the same source of funds which is used in paying earnings to the member. If member contributions are so picked up they shall be treated for all other purposes of state law in the same manner and to the same extent as member contributions made prior to the date picked up.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-418

H. 552—Reps. Carothers, Johnson (R. G.), Roberts

AN ACT

To authorize and provide for the incorporation by one or more counties or municipalities of the state of one or more health care authorities as public corporations to acquire, own and operate hospitals and other health care and related facilities within or without the boundaries of such counties or municipalities, or within or without the boundaries of the state; to provide for the making, filing, recording and amendment of the certificate of incorporation of each such authority; to provide for the government of each such authority by a board of directors and for the election, appointment, terms, compensation and removal of the members of such board of directors, and to provide for the holding of regular, special or other meetings of such board of directors without regard to the provisions of Section 13A-14-2 of the Code of Alabama 1975, as amended; to provide for the officers of such authority; to specify the general powers and duties of such authority and its board of directors; to empower such authority to acquire, operate, lease and manage hospitals and other types of health care facilities; to empower such authority to borrow money and to issue and sell interest-bearing securities and refunding securities, and to provide for the terms and conditions of the sale of such securities; to provide for the payment of and the security for such securities and for the use of the proceeds of such securities; to provide that such securities may be secured by a foreclosable mortgage on any health care facilities or other properties of such authority; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge made by such authority; to provide that such securities and other contracts entered into by such authority shall not constitute or create a debt of the state or any political subdivision thereof, and shall constitute negotiable instruments; to authorize the investment of certain funds of such authority; to provide for the creation of special reserves and other funds as may be necessary or desirable for the corporate purposes of such authority; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of securities by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such securities or any instrument securing the same; to empower such authority to engage in anticompetitive activities within the contemplation of state and federal antitrust laws; to authorize such authority to make expenditures that would be considered ordinary and necessary expenses of such authority under state income tax law, subject to certain exceptions; to authorize investment by certain persons, corporations and political subdivisions in the securities of such authority; to exempt each such authority and the property, income, securities and certain conveyances and documents thereof from all taxation by the state or any political subdivision thereof; to exempt the gross proceeds of sales of property used in the construction of health care facilities for an authority from all sales and similar excise taxes in the state, and to exempt such property from all use and similar excise taxes in the state; to exempt each such authority from all laws of the state governing usury or prescribing or limiting interest rates and, together with the officers, employees, and members of the board of directors thereof, from certain laws pertaining to competitive bidding; to authorize such authority, if its certificate of incorporation so provides, to exercise the same power of eminent domain as that appertaining to its authorizing subdivision or subdivisions, subject to certain exceptions; to authorize the designation of such authority as the agent of a county for certain public health purposes; to apply to such authority certain provisions of the Code of Alabama 1975, as amended, pertaining to tort claims and judgments against local governmental entities; to authorize, subject to certain conditions, such authority and any of its authorizing subdivisions to enter into leases covering projects of such authority and to specify requirements respecting such leases; to provide that the rentals payable and the obligations created by any such authorizing subdivision in any such lease shall be general obligations of such authorizing subdivision for which its full faith and credit may be pledged but shall be payable solely out of the current revenues of such authorizing subdivision for the fiscal year during which such rents are payable and during which such agreements are required to be performed; to authorize such authorizing

subdivisions to make special pledges of certain revenues and taxes as security for rentals payable and agreements to be performed by it under such lease; to provide the priority of any such special pledges; to authorize political subdivisions, and certain public hospital corporations and public agencies, authorities or bodies to convey to any health care authority, with or without consideration, any health care facilities and other property owned by them; to specify the effect of such conveyance on certain permits then held by such corporations, agencies, authorities or bodies; to provide that such authority and the directors, officers and employees thereof shall not be subject to the provisions of Chapter 25 of Title 36 of the Code of Alabama 1975, as amended; to provide that, in the event of any transfer of a health care facility to any such authority, certain taxes, tax proceeds or other revenues shall thereafter be paid to such authority, subject to certain restrictions; to provide for the disposition of the earnings of any such authority, its dissolution and the disposition thereupon of its assets and properties; to provide that certain public hospital corporations and public agencies, authorities or bodies may reincorporate as health care authorities hereunder and to provide for certain consequences or effects of such reincorporation; and to provide that any law requiring attachment of fiscal notes to certain bills shall not apply to this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as "The Health Care Authorities Act of 1982."

Section 2. Definitions. (a) The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

(1) APPLICANT. A natural person who files a written application with the Governing Body of a County or Municipality, or two or more thereof, in accordance with the provisions of Section 4 hereof.

(2) AUTHORITY. A public corporation organized, and any Public Hospital Corporation reincorporated, pursuant to the provisions hereof.

(3) AUTHORIZING RESOLUTION. The resolution adopted by the Governing Body of an Authorizing Subdivision, in accordance with the provisions of Section 4 or Section 32 hereof, that authorizes the incorporation of an Authority or the reincorporation of a Public Hospital Corporation.

(4) AUTHORIZING SUBDIVISION. Each County and Municipality with the Governing Body of which an application for the incorporation of an Authority hereunder or for the reincorporation of a Public Hospital Corporation hereunder is filed.

(5) BOARD. The board of directors of an Authority.

(6) CODE. The Code of Alabama 1975 and all amendments thereto and, with respect to any particular title, chapter, article, division, section or other portion thereof, any act of the Legislature or other code preceding such portion of the Code or subsequently

replacing the same.

(7) COUNTY. Any county in the State.

(8) COUPON. Any interest coupon evidencing an installment of interest payable with respect to a Security.

(9) DIRECTOR. A member of a Board.

(10) FEDERAL SECURITIES. Debt securities that are direct obligations of the United States of America for the payment of which the full faith and credit of the United States of America is pledged, or debt securities issued by a person controlled or supervised by and acting as an instrumentality of the United States of America, the payment of the principal of and interest on which is fully and unconditionally guaranteed by the United States of America.

(11) FISCAL YEAR. A fiscal year of the Authorizing Subdivision.

(12) GOVERNING BODY. With respect to a County, its county commission or other like governing body, and with respect to a Municipality, its city or town council, board of commissioners or other like governing body.

(13) HEALTH CARE FACILITIES. Generally, any one or more buildings or facilities which serve to promote the public health, either by providing places or facilities for the diagnosis, treatment, care, cure or convalescence of sick, injured, physically disabled or handicapped, mentally ill, retarded or disturbed persons, or for the prevention of sickness and disease, or for the care, treatment and rehabilitation of alcoholics, or for the care of elderly persons, or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing:

(i) public hospitals of all types, public clinics, sanitoria, public health centers and related public health facilities, such as medical or dental facilities, laboratories, out-patient departments, educational facilities, nurses' homes and nurses' training facilities, dormitories or residences for hospital personnel or students, other employee-related facilities, central service facilities operated in connection with public hospitals and other facilities (such as, for example, gift and flower shops, cafe and cafeteria facilities and the like) ancillary to public hospitals;

(ii) retirement homes, nursing homes, convalescent homes, apartment buildings, dormitory or domiciliary facilities, residences or special care facilities for the housing and care of elderly persons or other persons requiring special care;

(iii) appurtenant buildings and other facilities (1) to provide offices for persons engaged in the diagnosis, treatment, care or cure of diseased, sick or injured persons, or in preventive medicine, or in the practice of dentistry, or (2) to house or service equipment used for the diagnosis, treatment, care or cure of diseased, sick or injured persons, or in preventive medicine, or in the practice of dentistry, or the records of such diagnosis, treatment, care, cure or practice or research with respect to any of the foregoing;

(iv) parking areas, parking decks, facilities, buildings and structures appurtenant to any of the foregoing;

(v) ambulance, helicopter and other similar facilities and services for the transportation of sick or injured persons; and

(vi) machinery, equipment, furniture and fixtures useful or desirable in the operation of any of the foregoing.

(14) HOSPITAL TAX. Any tax which may be levied for the benefit of an Authority or any Health Care Facilities owned or operated by it or the proceeds of which may have been appropriated, allocated or apportioned to such Authority, or to or for the benefit of any such Health Care Facilities, by the Legislature or by the Governing Body of a County or Municipality.

(15) INCORPORATORS. The natural persons forming an Authority pursuant to the provisions of this Act.

(16) INDENTURE. A mortgage, mortgage indenture, mortgage and trust indenture or trust indenture executed by an Authority as security for any of its Securities.

(17) LEGISLATURE. The Legislature of the State.

(18) MUNICIPALITY. An incorporated city or town of the State.

(19) PRINCIPAL OFFICE. The place at which the certificate of incorporation of an Authority and amendments thereto, the bylaws and the minutes of the proceedings of the Board are kept.

(20) PUBLIC HOSPITAL CORPORATION. Any public authority, public corporation or public association or entity organized on a local or regional basis by or with the consent of any County or Municipality (or any two or more thereof) and having the power to own or operate any Health Care Facilities, including (without limitation) any public corporation or authority heretofore or hereafter organized under the provisions of Article 3, Division 1 of Article 4, Article 5, or Article 6 of Chapter 21 of Title 22 of the Code, Section 22-21-5 of the Code, or Chapter 95 of Title 11 of the Code, but excluding the State, any State institution of higher learning

owning or operating Health Care Facilities or any other State (as distinguished from local or regional) agency owning or operating Health Care Facilities.

(21) SECURITIES. Bonds, notes, warrants, certificates of indebtedness or other evidences of indebtedness, including (without limiting the generality of the forgoing) notes issued in anticipation of the sale of any of the foregoing.

(22) STATE. The State of Alabama.

(b) The terms "herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion hereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. Legislative Findings and Intent. The Legislature hereby finds and declares:

(a) that publicly-owned (as distinguished from investor-owned and community-nonprofit) hospitals and other health care facilities furnish a substantial part of the indigent and reduced-rate care and other health care services furnished to residents of the State by hospitals and other health care facilities generally;

(b) that as a result of current significant fiscal and budgetary limitations or restrictions, the State and the various Counties and Municipalities therein are no longer able to provide, from taxes and other general fund moneys, all the revenues and funds necessary to operate such publicly-owned hospitals and other health care facilities adequately and efficiently; and

(c) that to enable such publicly-owned hospitals and other health care facilities to continue to operate adequately and efficiently, it is necessary that the entities and agencies operating them have significantly greater powers with respect to Health Care Facilities than now vested in various public hospital or health-care authorities and corporations and the ability to provide a corporate structure somewhat more flexible than those now provided for in existing laws relating to public hospital and health-care authorities.

It is therefore the intent of the Legislature by the passage of this Act to promote the public health of the people of the State (1) by authorizing the several Counties and Municipalities in the State effectively to form public corporations whose corporate purpose shall be to acquire, own and operate Health Care Facilities, and (2) by

permitting, with the consent of the Counties or Municipalities (or both) authorizing their formation, existing Public Hospital Corporations to reincorporate hereunder. To that end, this Act invests each public corporation so organized or reincorporated hereunder with all powers that may be necessary to enable it to accomplish its corporate purposes and shall be liberally construed in conformity with said intent.

Section 4. Application for Incorporation of Authority. (a) In order to incorporate an Authority, any number of natural persons, not less than three (3), shall first file a written application with the Governing Body of any County or Municipality, or any two or more thereof, which application shall:

(1) recite the name of each County and Municipality with the Governing Body of which such application is being filed;

(2) contain a statement that the Applicants propose to incorporate an Authority pursuant to the provisions of this Act;

(3) state that each of the Applicants is a duly qualified elector of the Authorizing Subdivision (or, if there is more than one, at least one thereof); and

(4) request that the Governing Body of such Authorizing Subdivision adopt a resolution declaring that it is wise, expedient and necessary that the proposed Authority be formed, approving its certificate of incorporation and authorizing the Applicants to proceed to form the proposed Authority by filing for record a certificate of incorporation in accordance with the provisions of Section 5 of this Act.

Every such application shall be accompanied by the form of certificate of incorporation of the proposed Authority and by such other supporting documents as the Applicants may consider appropriate.

(b) As promptly as may be practicable after the filing of the aforesaid application with it in accordance with the preceding provisions of this section, the Governing Body of each Authorizing Subdivision with which the application was filed shall review the contents of the application and the accompanying form of certificate of incorporation and shall adopt a resolution either

(1) denying the application, or

(2) declaring that it is wise, expedient and necessary that the proposed Authority be formed, approving the form of its certificate of incorporation and authorizing the Applicants to proceed to form the proposed Authority by filing for record such a certificate of incorporation in accordance with the provisions of Section 5 hereof.

While it shall not be necessary that any such resolution be published in any newspaper or posted, the Governing Body of each Authorizing Subdivision with which the application is filed shall cause a copy of the application (and accompanying documents) to be included in the aforesaid resolution or otherwise spread upon or made a part of the minutes of the meeting thereof at which final action thereon is taken. Except as otherwise provided in Section 32 hereof, no Authority shall be formed hereunder unless the application required by this section shall be made and unless an Authorizing Resolution for which provision is made in this section shall be adopted by each Authorizing Subdivision.

Section 5. Certificate of Incorporation. (a) Within forty (40) days following the adoption of the Authorizing Resolution (or, if there is more than one, the last adopted thereof), the Applicants shall proceed to incorporate an Authority by filing for record, in the office of the judge of probate of the County in which the Principal Office of the Authority is to be located, a certificate of incorporation which shall comply in form and substance with the requirements of this section, shall be in the form and executed in the manner herein provided and shall also be in the form theretofore approved by the Governing Body of each Authorizing Subdivision.

(b) In addition to any other provisions required by this Act to be included therein, the certificate of incorporation of an Authority shall state:

(1) the names of the Incorporators, together with the address of the residence of each thereof, and that each of them is a duly qualified elector of the Authorizing Subdivision (or, if there is more than one, at least one thereof);

(2) the name of the Authority, which may be a name indicating in a general way the area proposed to be served by the Authority and shall include the words "Health Care Authority" (e.g., "The _____ Health Care Authority," or "The Health Care Authority of _____," the blank space to be filled in with the name of one or more of the Authorizing Subdivisions or other geographically descriptive word or words, such descriptive word or words not, however, to preclude the Authority from locating Health Care Facilities or otherwise exercising its powers in other geographical areas), unless the secretary of state shall determine that such name is identical to the name of another corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty, in which case the Incorporators may insert additional identifying words so as to eliminate said duplication or similarity or adopt some other similar name that is available;

(3) the period for the duration of the Authority (if the duration is to be perpetual, subject to the provisions of Section 30 hereof, that fact shall be stated);

(4) the name of each Authorizing Subdivision, together with the date on which the Governing Body thereof adopted an Authorizing Resolution;

(5) the location of the Principal Office of the Authority, which shall be within the boundaries of the Authorizing Subdivision (or, if more than one, at least one thereof);

(6) that the Authority is organized pursuant to the provisions of this Act;

(7) if the exercise by the Authority of any of its powers hereunder is to be in any way prohibited, limited or conditioned, a statement of the terms of such prohibition, limitation or condition;

(8) if the Authority is to have the extraordinary power set out in Section 10 hereof, a statement to that effect;

(9) the number of Directors, which shall be an odd number not less than three, the duration of their respective terms of office (which shall not be in excess of six years), and (subject to the provisions of Section 7 hereof) the manner of their election or appointment;

(10) any provisions, not inconsistent with Section 30 hereof, relating to the vesting of title to its assets and properties upon its dissolution; and

(11) any other matters relating to the Authority that the Incorporators may choose to insert and that are not inconsistent with this Act or with the laws of the State.

(c) The certificate of incorporation shall be signed and acknowledged by each of the Incorporators before an officer authorized by the laws of the State to take acknowledgments to deeds.

(d) When the certificate of incorporation is filed for record, there shall be attached to it:

(1) a certified copy of each Authorizing Resolution; and

(2) a certificate by the secretary of state that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty.

(e) Upon the filing for record of the certificate of incorporation and the documents required by subsection (d) of this section to be

attached thereto, the Authority shall come into existence and shall constitute a public corporation under the name set forth in its certificate of incorporation. The said judge of probate shall thereupon record the certificate of incorporation in an appropriate book in his office.

Section 6. Amendment of Certificate of Incorporation. (a) The certificate of incorporation of any Authority incorporated under the provisions of this Act, as well as that of any Public Hospital Corporation reincorporated hereunder, may at any time and from time to time be amended, but only in the manner provided in this section. The Board shall first adopt a resolution proposing an amendment to the certificate of incorporation of the Authority, which amendment shall be set forth in full in the said resolution and which may include any matters that might have been included in an original certificate of incorporation hereunder.

(b) After the adoption by the Board of a resolution proposing an amendment to the certificate of incorporation, the chairman and the secretary of the Authority shall sign and file, with the Governing Body of each Authorizing Subdivision, a written application in the name and on behalf of the Authority, under its seal, requesting such Governing Body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the Board proposing the amendment to the certificate of incorporation, together with such documents in support of the application as the chairman may consider appropriate. As promptly as may be practicable after the filing of the application with the Governing Body of an Authorizing Subdivision as aforesaid, such Governing Body shall review the application and shall adopt a resolution either denying the application or approving and authorizing the proposed amendment. While it shall not be necessary that any such resolution be published in any newspaper or posted, the Governing Body of each Authorizing Subdivision with which any such application is filed shall cause a copy of the application and all accompanying documents to be included in the aforesaid resolution or otherwise spread upon or made a part of the minutes of the meeting of such Governing Body at which final action upon such application is taken. The certificate of incorporation of an Authority may be amended only after the filing of such an application therefor and the adoption by the Governing Body of each Authorizing Subdivision of an approving resolution.

(c) Within forty (40) days following the adoption of a resolution approving the proposed amendment by the Governing Body of the Authorizing Subdivision (or, if there is more than one, the last adopted of such approving resolutions), the chairman and the secretary of the

Authority shall sign and file for record in the office of the judge of probate of the County in which the certificate of incorporation of the Authority was filed a certificate in the name and on behalf of the Authority, under its seal, reciting the adoption of said respective resolutions by the Board and by the Governing Body of each Authorizing Subdivision and setting forth the proposed amendment. The said judge of probate shall thereupon record such certificate in an appropriate book in his office. When such certificate has been so filed and recorded, such amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in such amendment.

Section 7. Board of Directors. (a) Each Authority shall have a board of directors composed of the number of directors provided in the certificate of incorporation, as most recently amended. Unless provided to the contrary in its certificate of incorporation, all powers of the Authority shall be exercised, and the Authority shall be governed, by the Board or pursuant to its authorization, Subject to the provisions of subsection (b)(9) of Section 5 hereof, the Board shall consist of Directors having such qualifications, being elected or appointed by such person or persons (including, without limitation, the Board itself, the Governing Body or Bodies of one or more Authorizing Subdivisions or other Counties and Municipalities, and other entities or organizations) and in such manner, and serving for such terms of office, all as shall be specified in the certificate of incorporation of the Authority; provided however, that no fewer than a majority of the Directors shall be elected by the Governing Body or Bodies of one or more of the Authorizing Subdivisions and the certificate of incorporation of each Authority must contain provisions having this effect.

(b) If, at the expiration of any term of office of any Director, a successor thereto shall not have been elected or appointed, then the Director whose term of office shall have expired shall continue to hold office until his successor shall be so elected or appointed. If at any time there should be a vacancy on the Board, whether by death, resignation, incapacity, disqualification or otherwise, a successor Director to serve for the unexpired term applicable to such vacancy shall be elected or appointed by the person or persons who elected or appointed the predecessor Director. Each election or appointment of a Director, whether for a full term or to complete an unexpired term, shall be made not earlier than thirty (30) days prior to the date on which such Director is to take office as such. Any Director, irrespective of by whom elected or appointed, shall be eligible for re-election or re-appointment.

(c) Each Director shall serve as such without compensation but shall be reimbursed for expenses actually incurred by him in and

about the performance of his duties. A majority of the Directors shall constitute a quorum for the transaction of business, but any meeting of the Board may be adjourned from time to time by a majority of the Directors present or may be so adjourned by a single Director if such Director is the only Director present at such meeting. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the powers and perform all the duties of the Board. The Board shall hold regular meetings at such times as may be provided in the bylaws of the Authority, may hold other meetings at any time and from time to time upon such notice as may be required by the bylaws of the Authority, and must upon call of the chairman of the Authority or a majority of the total number of Directors, hold a special meeting, none of which meetings shall be subject to the provisions of Section 13A-14-2 of the Code or other similar law. Whenever any notice is required by the bylaws of the Authority to be given of any meeting of the Board, a waiver thereof in writing, signed (whether before or after such meeting) by the person or persons entitled to such notice, shall be the equivalent to the giving of such notice. Any matter on which the Board is authorized to act may be acted upon at any regular, special or called meeting. At the request of any Director, the vote on any question before the Board shall be taken by yeas and nays and entered upon the record. All resolutions adopted by the Board shall constitute actions of the Authority, and all proceedings of the Board shall be reduced to writing and signed by the secretary of the Authority and shall be recorded in a well-bound book. Copies of such proceedings, when certified by the secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

(d) Any Director may be impeached and removed from office in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama of 1901 and the general laws of the State for impeachment and removal of the officers mentioned in said section 175.

Section 8. Officers. The officers of an Authority shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the Board shall deem necessary or desirable. The chairman and the vice-chairman of the Authority shall be elected by the Board from its membership but neither the secretary, the treasurer nor any of the other officers of the Authority need be a Director. The offices of secretary and treasurer may, but need not be, held by the same person. The chairman and the vice-chairman of the Authority shall be elected by the Board for terms of not exceeding three years each, and the secretary, the treasurer and the other officers of the Authority shall be elected by the Board for such

terms as it deems advisable. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the Board. The duties of any other officers of the Authority shall be such as are from time to time prescribed by the Board.

Section 9. Powers of Authority. (a) In addition to all other powers granted elsewhere in this Act, and subject to the express provisions of its certificate of incorporation, and Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) to have succession by its corporate name for the duration of time, which may be in perpetuity, specified in its certificate of incorporation or until dissolved as provided in Section 30 hereof;

(2) to sue and be sued in its own name in civil suits and actions, and to defend suits and actions against it, including suits and actions ex delicto and ex contractu, subject, however, to the provisions of Chapter 93 of Title 11 of the Code, which chapter is hereby made applicable to the Authority;

(3) to adopt and make use of a corporate seal and to alter the same at pleasure;

(4) to adopt, alter, amend and repeal bylaws, regulations and rules, not inconsistent with the provisions of this Act or its certificate of incorporation, for the regulation and conduct of its affairs and business;

(5) to acquire, construct, reconstruct, equip, enlarge, expand, alter, repair, improve, maintain, equip, furnish and operate Health Care Facilities at such place or places, within and without the boundaries of its Authorizing Subdivisions and within and without the State, as it considers necessary or advisable;

(6) to lease or otherwise make available any Health Care Facilities or other of its properties and assets to such persons, firms, partnerships, associations or corporations and on such terms as the Board deems to be appropriate, to charge and collect rent or other fees or charges therefor and to terminate any such lease or other agreement upon the failure of the lessee or other party thereto to comply with any of its obligations thereunder;

(7) to receive, acquire, take and hold (whether by purchase, gift, transfer, foreclosure, lease, devise, option or otherwise) real and personal property of every description, or any interest therein, and to manage, improve and dispose of the same by any form of legal conveyance, or transfer; provided however, that the Authority shall not,

without the prior approval of the Governing Body of each Authorizing Subdivision, have the power to dispose of (i) substantially all its assets, or (ii) any Health Care Facilities the disposition of which would materially and significantly reduce or impair the level of hospital or health care services rendered by the Authority; and provided further, that the foregoing proviso shall not be construed to require the prior approval of any such Governing Body for the mortgage or pledge of all or substantially all its assets or of any of its Health Care Facilities, for the foreclosure of any such mortgage or pledge or for any sale or other disposition thereunder;

(8) to mortgage, pledge or otherwise convey its property and its revenues from any source;

(9) to borrow money in order to provide funds for any lawful corporate function, use or purpose and, in evidence of such borrowing, to sell and issue interest-bearing Securities in the manner provided and subject to the limitations set forth hereinafter;

(10) to pledge for payment of any of its Securities any revenues (including proceeds from any Hospital Tax to which it may be entitled) and to mortgage or pledge any or all of its Health Care Facilities or other assets or properties or any part or parts thereof, whether then owned or thereafter acquired, as security for the payment of the principal of and the interest and premium, if any, on any Securities so issued and any agreements made in connection therewith;

(11) to provide instruction and training for, and to contract for the instruction and training of, nurses, technicians and other technical, professional and paramedical personnel;

(12) to select and appoint medical and dental staff members and others licensed to practice the healing arts and to delineate and define the privileges granted each such individual;

(13) to affiliate with, and to contract to provide training and clinical experience for students of, other institutions;

(14) to contract for the operation of any department, section, equipment or holdings of the Authority, and to enter into agreements with any person, firm or corporation for the management by said person, firm or corporation on behalf of the Authority of any of its properties or for the more efficient or economical performance of clerical, accounting, administrative and other functions relating to its Health Care Facilities;

(15) to establish, collect and alter charges for services rendered and supplies furnished by it;

(16) to make all needful or appropriate rules and regulations for the conduct of any Health Care Facilities and other properties owned or operated by it and to alter such rules and regulations;

(17) to provide for such insurance as the business of the Authority may require;

(18) to receive and accept from any source aid or contributions in the form of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this Act, subject to any lawful condition upon which any such aid or contributions may be given or made;

(19) to cooperate with the state board of health and the state department of mental health and to make contracts with either of said agencies respecting the operation of any Health Care Facilities or other properties owned or operated by it, whether as an agent for either or both of said agencies or otherwise;

(20) to enter into contracts with, to accept aid, loans and grants from, to cooperate with and to do any and all things not specifically prohibited by this Act or the Constitution of the State that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the State, any County or Municipality, or any agency, instrumentality or political subdivision of any of the foregoing in furtherance of the purposes of this Act; to give such assurances, contractual or otherwise, to or for the benefit of any of the foregoing as may be required in connection with, or as conditions precedent to the receipt of, any such aid, loan or grant; and to take such action not in violation of law as may be necessary in order to qualify the Authority to receive funds appropriated by any of the foregoing;

(21) to give such assurances, contractual or otherwise, and to make such commitments and agreements as may be necessary or desirable to preclude the exercise of any rights of recovery with respect to, or the forfeiture of title to, any of its Health Care Facilities or other property or any Health Care Facilities or other property proposed to be acquired by it;

(22) to make and alter rules and regulations for the treatment of indigent patients;

(23) to assume any obligations of any entity that conveys and transfers to the Authority any Health Care Facilities or other property, or interest therein, provided that such obligations appertain to the Health Care Facilities, property or interest so conveyed and transferred to the Authority;

(24) to assume, establish, fund and maintain retirement, pension

or other employee benefit plans for its employees;

(25) to appoint, employ, contract with, and provide for the compensation of, such employees and agents, including but not limited to, architects, attorneys, consultants, engineers, accountants, financial experts, fiscal agents and such other advisers, consultants and agents as the business of the Authority may require;

(26) to invest, in any trust fund established under and subject to the general laws of the State for investment or self-insurance purposes with investment authority as may be authorized by law for such trusts, any funds of the Authority available therefor;

(27) to the extent permitted by its contracts with the holders of its Securities, to purchase Securities out of any of its funds or moneys available therefor and to hold, cancel or resell such Securities;

(28) to make any expenditure of any moneys under its control that would, if the Authority were generally subject to State corporate income taxation, be considered an ordinary and necessary expense of the Authority within the meaning of Section 40-18-35 of the Code and applicable regulations thereunder, and without limiting the generality of the foregoing, to expend its moneys for the recruitment of employees and physicians, dentists and other health care professionals and for the promotion of employee morale and well-being; provided however, that nothing herein contained shall be construed to permit the Authority (i) to increase the compensation of any of its officers or employees on a retroactive basis, (ii) to pay any extra compensation to any of its officers or employees for services theretofore rendered, (iii) to furnish free or below-cost office space to any non-hospital-based physician, dentist or other health care professional for use in his private practice, or (iv) to guarantee the income of any non-hospital-based physician, dentist or other health care professional in his private practice;

(29) to provide scholarships for students in training for work in the duties peculiar to health care;

(30) to enter into affiliation, cooperation, territorial, management or other similar agreements with other institutions (public or private) for the sharing, division, allocation or exclusive furnishing of services, referral of patients, management of facilities and other similar activities;

(31) to exercise all powers granted hereunder in such manner as it may determine to be consistent with the purposes of this Act, notwithstanding that as a consequence of such exercise of such powers it engages in activities that may be deemed "anticompetitive" within the contemplation of the antitrust laws of the State or of the United

States; and

(32) to enter into such contracts, agreements, leases and other instruments, and to take such other actions, as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power expressly granted hereunder.

(b) The Legislature hereby declares (1) that any expenditure permitted by the provisions of subsection (28) of the preceding subsection (a) of this section to be made by or on behalf of an Authority shall be deemed an expenditure of operating and maintaining public hospitals and public health facilities for a public purpose, and (2) that no expenditure permitted by the provisions of said subsection (28) to be made by or on behalf of an Authority shall be considered to be a lending of credit or a granting of public money or thing of value to or in aid of any individual, association or corporation within the meaning of any constitutional or statutory provision. Nothing herein contained shall be construed as prohibiting or rendering unlawful any otherwise lawful expenditure made by or on behalf of an Authority, solely because such expenditure is not expressly permitted by the terms of said subsection (28).

(c) As a basis for the power granted in subsection (31) of the preceding subsection (a), the Legislature hereby (1) recognizes and contemplates that the nature and scope of the powers conferred on Authorities hereunder are such as may compel each Authority, in the course of exercising its other powers or by virtue of such exercise of such powers, to engage in activities that may be characterized as "anticompetitive" within the contemplation of the antitrust laws of the State or of the United States, and (2) determines, as an expression of the public policy of the State with respect to the displacement of competition in the field of health care, that each Authority, when exercising its powers hereunder with respect to the operation and management of Health Care Facilities, acts as an agency or instrumentality of its Authorizing Subdivisions and as a political subdivision of the State.

(d) Nothing herein contained shall be construed as granting to an Authority the power to levy any taxes.

Section 10. Extraordinary Power of Authority. If and only if its certificate of incorporation or an appropriate amendment thereto (both of which must, under the terms of this Act, be approved by the Governing Body of each Authorizing Subdivision) shall expressly so provide, an Authority shall have, in addition to all other powers granted elsewhere in this Act, the same power of eminent domain as is vested by law in any Authorizing Subdivision, in the same manner and under the same conditions as are provided by law for

the exercise of the power of eminent domain by such Authorizing Subdivision; provided however, that under no circumstances may an Authority exercise the power of eminent domain for the purposes of providing office facilities for any physician, dentist or other health care professional primarily for use in his private practice.

Section 11. Securities of Authority. Securities of an Authority may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturity or maturities not exceeding forty (40) years from their date, shall bear such rate or rates of interest (which may be fixed or which may float or vary based on some index or other standard deemed appropriate by the Board), shall be payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain other provisions not inconsistent with this Act, all as may be provided by the resolution of the Board authorizing the same or by the Indenture whereunder such Securities are authorized to be issued. Each such Security having a specified maturity date more than ten (10) years after its date shall be made subject to redemption at the option of the Authority at the end of the tenth year after its date, and on any interest payment date thereafter, under such terms and conditions as may be provided in the resolution authorizing the same or the Indenture under which issued. Any borrowing may be effected by the issuance and sale of Securities at either public or private sale in such manner, at such price or prices, at such time or times and on such other terms and conditions as may be determined by the Board to be most advantageous to the Authority.

Section 12. Refunding Securities. (a) An Authority may at any time and from time to time sell and issue its refunding Securities for the purpose of refunding the principal of and interest on any then outstanding Securities of the Authority, whether or not such Securities shall have matured or be redeemable at the option of the Authority at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium or other sum necessary to be paid to redeem or retire the Securities so to be refunded; provided however, that the principal amount of Securities that the Authority may at any time issue for refunding purposes shall not exceed the sum of the following:

(1) the outstanding principal or face amount of the Securities refunded thereby;

(2) the unpaid interest accrued or to accrue thereon to their respective maturities (or, in the event the Securities to be refunded, or any part thereof, are to be retired prior to their respective maturities, the interest accrued or to accrue thereon to the date or dates on which they are to be retired);

(3) any premium or other sum necessary to be paid in order to redeem or retire the Securities to be refunded (but only if such Securities are in fact to be redeemed or retired prior to their respective maturities); and

(4) the expenses estimated to be incurred in connection with such refunding.

The Authority may also at any time and from time to time sell and issue its Securities for the combined purpose of so refunding any of its Securities and of obtaining funds for any other purpose for which it is authorized by this Act to sell and issue Securities, in which event the provisions of this Act relating to refunding Securities shall apply only to those of such Securities issued for refunding purposes.

(b) The principal proceeds derived by the Authority from the sale of any refunding Securities shall be used only for the payment of the principal of and the interest (and premium) on the Securities being refunded and for payment of the expenses referred to in the preceding paragraph (4) of subsection (a) of this section; provided, that if in the judgment of the Board such is necessary or desirable to effect an advantageous refunding, a portion of said proceeds may be used for payment of principal of and interest on such refunding Securities themselves and the remainder of said proceeds for payment of the Securities being refunded and of said expenses; and provided further, that any portion of said proceeds that shall at the time not be needed therefor, may be invested in such investments as are specified in Section 23 hereof.

(c) Any such refunding may be effected either by sale of refunding Securities and the application of the proceeds thereof as provided in subsection (b) of this section, or by exchange of the refunding Securities for the Securities or Coupons to be refunded thereby, or by any combination thereof; provided, that the holders of any Securities or Coupons so to be refunded shall not be compelled without their consent to surrender their Securities or Coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the Authority under their respective provisions. All provisions of this Act pertaining to Securities of the Authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding Securities issued by the Authority and to Securities issued by the Authority for both refunding and other puposes.

Section 13. Execution of Securities. All Securities of an Authority shall be signed in the name and behalf of the Authority by its chairman or vice-chairman, and the seal of the Authority shall

be affixed thereto and attested by its secretary or an assistant secretary; provided, that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on such Securities may be imprinted or otherwise reproduced on any thereof in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the Authority may be imprinted, or otherwise reproduced, on any such Securities in lieu of being manually affixed thereto. Any Coupons applicable to any Securities of the Authority shall be signed either manually by, or with a facsimile of the signature of, the chairman or the vice-chairman of the Authority. If after any such Securities or Coupons shall be so signed, whether manually or by facsimile, any such officer shall, for any reason, vacate his office, the Securities and Coupons so signed may nevertheless be delivered at any time thereafter as the act and deed of the Authority.

Section 14. Source of Payment; Security. (a) Securities issued by an Authority shall not be general obligations of the Authority but shall be payable solely out of the revenues from any Health Care Facilities or other properties or assets (including, without limitation, proceeds from such Securities, investment income and insurance and condemnation proceeds) owned or operated by it and the proceeds of any Hospital Tax appropriated, apportioned or allocated to it or for its benefit, or any portion of either thereof, all as may be provided or specified in the resolution of the Board authorizing such Securities or the Indenture under which issued. The principal of and interest (and premium, if any) on any Securities issued by the Authority shall be secured by a pledge of the revenues or taxes (or both) out of which the same are payable and may be secured by a trust indenture evidencing such pledge or by a foreclosable mortgage, mortgage indenture or mortgage and trust indenture conveying as security for such Securities all or any part of its property.

(b) Any Indenture executed on behalf of the Authority and any resolution of the Board authorizing the issuance of Securities may contain such agreements as the Board may deem advisable respecting the operation and maintenance of the properties of the Authority, the application and use of any revenues (including Hospital Tax proceeds) out of which any such Securities are payable, the rights or duties of the parties to such instrument or the parties for the benefit of whom such instrument is made and the rights and remedies of such parties in the event of default, and may also contain provisions restricting the individual rights of action of the holders of any such Securities. Any such Indenture may be filed in the office of the judge of probate of any County in which any of the property, real, personal or mixed, subject to the lien thereof is, or is anticipated to be, located, and the lien of such Indenture shall, with respect to all personal property and fixtures subject thereto (including after-

acquired property) and notwithstanding any contrary provisions of, and without compliance with, the Alabama Uniform Commercial Code, be valid and binding against all parties having claims of any kind against the Authority, irrespective or whether the parties have actual notice thereof, from the time such Indenture is so filed. Any such pledge of any such revenues (including Hospital Tax proceeds) shall be valid and binding from the time it is made, and the revenues (including Hospital Tax proceeds) so pledged and thereafter received by the Authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall, notwithstanding any contrary provisions of the Alabama Uniform Commercial Code, and without compliance with the provisions thereof, be valid and binding against all parties having claims of any kind against the Authority, irrespective of whether the parties have actual notice thereof, from the time there is filed in the office of the judge of probate of the County in which the Principal Office of the Authority is located a notice stating the date on which the resolution authorizing the issuance of the Securities was adopted by the Board, the principal amount of the Securities issued, a brief description of the revenues (including any Hospital Tax proceeds) so pledged and a brief description of any property the revenues from which are so pledged. Issuance by any Authority of one or more series of Securities for one or more purposes shall not preclude it from issuing other Securities, but the resolution or Indenture whereunder any subsequent Securities may be issued shall recognize and protect any prior pledge or mortgage made for the benefit of any prior issue of Securities unless in the proceedings authorizing such prior issue the right was reserved to issue subsequent Securities on a parity with such prior issue. The trustee under any Indenture may be a trust company or bank having trust powers, whether located within or without the State, and may be selected by the Board without regard to the provisions of Chapter 25 of Title 36 of the Code.

Section 15. Use of Proceeds. (a) The principal proceeds derived from any borrowing made by an Authority shall be used solely for the purpose or purposes for which such borrowing was authorized to be made. If any Securities are issued for the purpose of financing costs of acquiring, constructing, improving, enlarging and equipping Health Care Facilities, such costs shall be deemed to include the following:

(1) the cost of any land forming a part of such Health Care Facilities;

(2) the cost of the labor, materials and supplies used in any such construction, improvement or enlargement, including architectural

and engineering fees and the cost of preparing contract documents advertising for bids;

(3) the purchase price of, and the cost of installing, equipment for such Health Care Facilities;

(4) the cost of landscaping the lands forming a part of such Health Care Facilities and of constructing and installing roads, sidewalks, curbs, gutters, utilities and parking places in connection therewith;

(5) legal, accounting, publishing, printing, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the Securities issued in connection with such Health Care Facilities; bond discount, commission or other financing charges; fees and expenses of financial advisers and planning and management consultants; the cost of any feasibility studies deemed necessary or advisable in connection with the issuance and sale of such Securities; the amount of any debt service reserve that the Board deems necessary or advisable to be funded out of the proceeds from the sale of such Securities; and such other expenses as shall be necessary or incident to such borrowing;

(6) interest on such Securities for a reasonable period prior to the commencement of the construction and equipment of such Health Care Facilities, or of any improvements or additions being financed (in whole or in part) out of the proceeds from the sale of such Securities, and during the period estimated to be required for such construction and equipment and for a period of not more than two years after the completion of such construction and equipment;

(7) the reimbursement to itself, or to its general fund or any one or more of its other funds, to any Authorizing Subdivision or other County or Municipality, and to any Public Hospital Corporation or other public agency, authority or body, of any funds advanced, to or for the benefit of the Authority or any Health Care Facilities owned by it, in anticipation of the issuance of Securities by the Authority, including the amount of any interest paid or incurred on any borrowings made for the purpose of obtaining funds to advance to or the benefit of the Authority or such Health Care Facilities; and

(8) the amount of such reserves for the payment of debt service on any such Securities and for the maintenance, repair, replacement, improvement and enlargement of any of its Health Care Facilities and other properties as the Board shall deem advisable.

(b) Any portion of the principal proceeds derived from any such borrowing not needed for any of the purposes for which such borrowing was authorized to be made shall be applied and used:

(1) for retirement of the Securities issued in evidence of such borrowing;

(2) for payment of the interest thereon;

(3) for payment into one or more special funds created for payment of principal or interest, or both, or for the creation of reserves for the payment of debt service or for maintenance, repair, replacement, improvement or enlargement; or

(4) for any combination thereof, all as shall be specified in the Indenture under which such Securities are issued or in the resolution of the Board authorizing any such borrowing.

Section 16. Obligations Not Debt of State, County or Municipality. All agreements and obligations undertaken, and all Securities issued, by an Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of the State, any Authorizing Subdivision or any other County or Municipality within the meaning of any constitutional or statutory provision. The faith and credit of the State, any Authorizing Subdivision or any other County or Municipality shall never be pledged for the payment of any Securities issued by an Authority; nor shall the State, any Authorizing Subdivision or any other County or Municipality be liable in any manner for the payment of the principal of or interest on any Securities of an Authority or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever that may be undertaken by an Authority.

Section 17. Legal Investments. Securities issued under the provisions of this Act are hereby made legal investments for savings banks and insurance companies organized under the laws of the State. Unless otherwise directed by the court having jurisdiction thereof or the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in Securities of an Authority. The Governing Body of any Authorizing Subdivision (or any County or Municipality in which any Health Care Facilities of an Authority may be situated) is authorized, in its discretion, to invest in Securities of such Authority any idle or surplus money held in its treasury which is not otherwise earmarked or pledged.

Section 18. Negotiable Instruments. Securities issued by an Authority, while not registered, shall be construed to be negotiable instruments although payable solely from a specified or limited source. All Coupons applicable to any Securities issued by an Authority, while the applicable Securities are not registered as to both principal

and interest, shall likewise be construed to be negotiable instruments although payable solely from a specified or limited source.

Section 19. Exemption from Usury and Interest Laws. An Authority shall be exempt from all laws of the State governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code.

Section 20. Notice of Issuance of Securities; Limitation on Actions to Contest. Any resolution authorizing any Securities under this Act may contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive evidence that such Securities have been duly authorized pursuant to the provisions of this Act, notwithstanding the provisions of any other law now in force or hereafter enacted or amended. Upon the adoption by the Board of any resolution providing for the issuance of Securities, the Authority may, in its discretion, cause to be published, once a week for two consecutive weeks, in a newspaper then published in the County in which the Principal Office of the Authority is located, or, if there is no such newspaper, then in a daily newspaper published in the State, a notice in substantially the following form, with any appropriate changes, to the extent applicable and with the blanks being properly filled in:

"_____, a public corporation and instrumentality under the laws of the State of Alabama, has authorized the issuance of $_____principal amount of securities of the said authority to be dated_____, for purposes authorized in Act No._____ enacted at the 1982 Regular Session of the Legislature of Alabama. Any action or proceeding questioning the validity of the said securities, or the pledge [and any indenture] to secure the same, must be commenced within 20 days after the first publication of this notice.

[here insert name of the Authority]

By _____
Its Chairman"

Any action or proceeding in any court to set aside or question the validity of the proceedings for the issuance of the Securities referred to in said notice or to contest the validity of any such Securities, the validity of any pledge made therefor or the validity of any Indenture with respect thereto must be commenced within twenty (20) days after the first publication of such notice. After the expiration of the said period, no right of action or defense questioning or attacking the validity of the said proceedings, the said Securities, any pledge herein authorized, or such Indenture shall be asserted, nor shall the validity of the said proceedings, Securities, pledge or

Indenture be open to question in any court on any ground whatsoever except in an action commenced within said period.

Section 21. Lease Agreements with Authorizing Subdivision. (a) Each Authority and any Authorizing Subdivision are hereby respectively authorized to enter into one or more lease agreements with each other whereunder any Health Care Facilities situated within (or within ten miles of) such Authorizing Subdivision or any part thereof shall be leased by the Authority to such Authorizing Subdivision, but if and only if such Authorizing Subdivision is then permitted by law to operate such Health Care Facilities, to issue its bonds, warrants, notes or other securities therefor and to pledge for the benefit of any such securities its full faith and credit. No such lease agreement shall be for a term longer than the then current Fiscal Year in which it is made. Any such lease agreement may, however, contain a grant to such Authorizing Subdivision of successive options to renew such lease agreement, on the conditions specified therein, for additional terms, but no such additional term shall be for a period longer than the Fiscal Year in which such renewal shall be made. Such lease agreement may contain provisions as to the method by which such renewal may be effected.

(b) The obligation on the part of such Authorizing Subdivision to pay the rental required to be paid and to perform the agreements on its part required to be performed during any Fiscal Year during which such lease agreement is in effect shall constitute a general obligation of such Authorizing Subdivision, which is authorized to pledge its full faith and credit for the payment of such rental and the performance of such agreements; provided, that the rental required to be paid and the agreements required to be performed by such Authorizing Subdivision under such lease agreement during any Fiscal Year during which such lease agreement is in effect shall be payable solely out of the current revenues of such Authorizing Subdivision for such Fiscal Year.

(c) As additional security for the payment of the rental required to be paid and for performance of the agreements on the part of such Authorizing Subdivision required to be performed during the first or initial term of any lease agreement made by the Authority with such Authorizing Subdivision, such Authorizing Subdivision is authorized to pledge specially so much of the following revenues and tax proceeds as may be necessary to pay the rental and to perform the agreements which are required in said lease agreement to be paid and performed during the said initial term:

(1) the revenues that may be received by such Authorizing Subdivision during the said initial term from the operation of the

Health Care Facilities covered by the said lease agreement remaining after the payment of all reasonable expenses during the said initial term for the operation and maintenance of the said Health Care Facilities; and

(2) the proceeds that may be received by such Authorizing Subdivision during the said initial term from any tax or taxes, the proceeds of which the Authorizing Subdivision is authorized, in Section 11-81-16 of the Code, to pledge for the benefit of bonds of such Authorizing Subdivision.

Whenever a lease agreement containing such a special pledge is renewed under its terms for an additional term, such special pledge shall be deemed effective for such additional term without the necessity of a new pledge being made or a new lease agreement being entered into for that purpose, and the exercise of the option to renew shall be construed as a renewal also of the said special pledge; provided, that said special pledge shall be applicable only to the aforesaid pledged revenues that are received by such Authorizing Subdivision during the Fiscal Year for which the lease agreement is renewed. Each such special pledge that shall be so effected by renewal of said lease agreement for an additional term shall be deemed to relate to, and to have been made as of, the date on which such lease agreement was made and shall take precedence over any pledge of said pledged revenues which might be made by such Authorizing Subdivision and over any claim which might arise against the said pledged revenues between the date on which such lease agreement was made and the first day of the additional term for which such lease agreement shall be so renewed. Any pledge of revenues made by such Authorizing Subdivision as aforesaid under the provisions of any contract made by it subsequent to the date of the lease agreement containing such special pledge shall be subordinate to the special pledge contained in such lease agreement.

(d) In any instance where a lease agreement contains a pledge of any tax proceeds, such Authorizing Subdivision shall during each Fiscal Year that such lease agreement shall be in effect (1) levy the tax or taxes so pledged, and (2) use so much of the proceeds therefrom as may be necessary to pay the rentals and perform the agreements on the part of such Authorizing Subdivision which are required in such lease agreement to be paid and performed during such Fiscal Year.

(e) Any lease agreement may contain such covenants as shall not be inconsistent with this Act. The rental required to be paid and the agreements required to be performed by such Authorizing Subdivision under the provisions of such lease agreement shall never create an indebtedness of such Authorizing Subdivision within the

meaning of any constitutional or statutory limitation or provision. If any space available for rent in any Health Care Facilities which shall have been leased, in whole or in part, to such Authorizing Subdivision should become vacant after acquisition or construction of such Health Care Facilities by the Authority, then until such time as all such vacant space therein shall have been filled or rented, neither such Authorizing Subdivision nor any officer, department or agency thereof, shall thereafter enter into any rental agreement, or renew any then existing rental agreement, for other space in or about such Authorizing Subdivision to be used for the same purposes for which such vacant space in such Health Care Facilities is capable of being used.

Section 22. Default. (a) If there should be any default in the payment of the principal of or interest on any Securities issued under this Act, then the holder of any such Securities and any Coupons applicable thereto (subject to any provision of the resolution or Indenture under which such Securities were issued restricting the individual rights of action of any such holders or vesting such rights exclusively in a trustee), and the trustee under any Indenture, or any one or more of them:

(1) may, by mandamus, injunction or other proceedings, compel performance of all duties of the Directors and officers of the Authority with respect to the use of funds for the payment of such Securities and for the performance of the agreements of the Authority contained in the proceedings under which they were issued;

(2) shall be entitled to a judgment against the Authority for the principal of and interest on the Securities so in default;

(3) may, in the event such Securities are secured by a mortgage on or security interest in any physical properties of the Authority, foreclose such mortgage or pledge, exercise any powers of sale contained therein or exercise any possessory or other similar rights as are provided for in the resolution or Indenture under which such Securities were issued;

(4) regardless of the sufficiency of the security for the Securities in default and as a matter of right, shall be entitled to the appointment of a receiver:

(i) to make lease agreements respecting any Health Care Facilities or other properties out of whose revenues the Securities so in default are payable and fix and collect rents therefor; and

(ii) to operate, administer and maintain such Health Care Facilities and other properties, with all powers of a receiver in the exercise of any of said functions.

The income derived from any lease agreement made, and any operation of such Health Care Facilities and other properties carried on, by any such receiver shall be expended in accordance with the provisions of the proceedings under which the Securities were authorized to be issued and the orders of the court by which such receiver is appointed.

(b) If there should be any default by the Authorizing Subdivision in the payment of any installment of rent or in the performance of any agreement required to be made or performed by it under the provisions of any lease agreement described in Section 21 hereof, the Authority and the trustee under any Indenture, or either of them:

(1) may, by mandamus, injunction or other proceedings, compel performance by the officials of the Authorizing Subdivision of their duties respecting the payment of the rentals required to be paid and performance of the agreements on the part of the Authorizing Subdivision required to be performed under any such lease agreement; and

(2) shall be entitled to a judgment against the Authorizing Subdivision for all monetary payments required to be made by the Authorizing Subdivision under the provisions of such lease agreement with respect to which the Authorizing Subdivision is then in default.

(c) The remedies specified in this section shall be cumulative to all other remedies which may otherwise be available, by law or contract, for the benefit of the holders of the Securities and the Coupons applicable thereto.

Section 23. Investment of Funds. (a) To the extent permitted by the contracts of the Authority with the holders of its Securities and if not otherwise specifically prohibited by any other provision of this Act, the Authority may invest any portion of the principal proceeds derived from the sale of any of its Securities which is not then needed for any of the purposes for which such Securities were authorized to be issued, the moneys held in any special fund created pursuant to any resolution or Indenture authorizing or securing any of its Securities, and any other moneys of the Authority not then needed by it, in any of the following:

(1) Federal Securities;

(2) any debt securities that are direct obligations of any agency of the United States of America;

(3) interest-bearing bank time deposits and interest-bearing bank certificates of deposit; and

(4) interest-bearing time deposits and interest-bearing certificates of deposit of any federally-chartered savings and loan association.

(b) Any securities, time deposits or certificates of deposit in which any such investment is made may, at any time and from time to time, be sold or otherwise converted into cash. The income derived from any such investments shall be disbursed on order of the Board for any purpose for which the Authority may lawfully expend funds.

Section 24. Exemptions from Taxation. All properties of an Authority, whether real, personal or mixed, and the income therefrom, all Securities issued by an Authority and the Coupons applicable thereto and the income therefrom, and all Indentures and other instruments executed as security therefor, all leases made pursuant to the provisions of this Act and all revenues derived from any such leases, and all deeds and other documents executed by or delivered to an Authority shall be exempt from any and all taxation by the State, or by any County, Municipality or other political subdivision of the State, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage. An Authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any County in respect of its incorporation, the amendment of its certificate of incorporation or the recording of any document. Further, the gross proceeds of the sale of any property used in the construction and equipment of any Health Care Facilities for an Authority, regardless of whether such sale is to such Authority or any contractor or agent thereof, shall be exempt from the sales tax imposed by Article 1 of Chapter 23 of Title 40 of the Code and from all other sales and similar excise taxes now or hereafter levied on or with respect to the gross proceeds of any such sale by the State or any County, Municipality or other political subdivision or instrumentality of any thereof; and any property used in the construction and equipment of any Health Care Facilities for an Authority, regardless of whether such property has been purchased by the Authority or any contractor or agent thereof, shall be exempt from the use tax imposed by Article 2 of Chapter 23 of Title 40 of the Code and all other use and similar excise taxes now or hereafter levied on or with respect to any such property by the State or any County, Municipality or other political subdivision or instrumentality of any thereof.

Section 25. Applicability of Ethics Act. The provisions of Chapter 25 of Title 36 of the Code shall, any provision thereof to the contrary notwithstanding, not apply to any Authority, the members of its Board or any of its officers or employees.

Section 26. Applicability of Competitive Bid Laws. The provisions of Articles 2 and 3 of Chapter 16 of Title 41 of the Code shall not apply to any Authority, the members of its Board or any of its officers or employees.

Section 27. Transfer of Funds and Assets to Authority. Any Municipality or County, any Public Hospital Corporation and any other public agency, authority or body are hereby authorized to transfer and convey to any Authority, with or without consideration, (a) any Health Care Facilities and other properties, real or personal, and all funds and assets, tangible or intangible, relative to the ownership or operation of any such Health Care Facilities that may be owned by such Municipality, County, Public Hospital Corporation or other public agency, authority or body, as the case may be, or that may be jointly owned by any two or more thereof, including, without limiting the generality of the foregoing, any certificates of need, assurances of need or other similar rights appertaining or ancillary thereto, irrespective of whether they have been exercised, and (b) any funds owned or controlled by such Municipality, County, Public Hospital Corporation or other public agency, authority or body, as the case may be, or jointly by any two or more thereof, that may have been raised or allocated for any of the purposes for which such Authority shall have been organized, whether or not such property is considered necessary for the conduct of the governmental or public functions (if any) of such Municipality, County, Public Hospital Corporation or other public agency, authority or body. Such transfer or conveyance shall be authorized by an ordinance or resolution duly adopted by the Governing Body of such Municipality or County or by the board of directors or other governing body of such Public Hospital Corporation or other public agency, authority or body, as the case may be, and it shall not be necessary, any provision of law to the contrary notwithstanding, to obtain any certificate of need, assurance of need or other similar permit for any such transfer or conveyance. In the event of the transfer of any Health Care Facilities to the Authority, any Hospital Tax proceeds, other tax proceeds and other revenues apportioned or allocated to or for the benefit of the prior owner or operator of such Health Care Facilities or for patient care at such Health Care Facilities shall thereafter be paid to the Authority.

Section 28. Earnings of Authority. An Authority shall be a public corporation or authority and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event the Board shall determine that sufficient provision has been made for the full payment of the expenses, Securities and other obligations of the Authority, then any portion, as determined by the Board, of the net

earnings of the Authority thereafter accruing may, in the discretion of the Board, be paid to one or more of its Authorizing Subdivisions.

Section 29. Authority as Designated Agency. An Authority shall constitute a "hospital corporation" as that term is used in Division 2 of Article 4 of Chapter 21 of Title 22 of the Code; and any County otherwise authorized to do so may designate any Authority having the power to own and operate Health Care Facilities situated in such County as the agency of such County to acquire, construct, equip, operate and maintain public hospital facilities in such County, in the manner and with the consequences specified in said Division 2. Such Authority shall, if so designated, receive the proceeds from any special public hospital tax referred to in said Division 2. Further, the reincorporation hereunder of any Public Hospital Corporation that has theretofore been designated as the agency of a County to acquire, construct, equip, operate and maintain public hospital facilities in such County shall in no way impair or invalidate such designation, and such reincorporated Public Hospital Corporation shall continue as such (with the consequences specified in said Division 2) just as if it had not been reincorporated hereunder. Nothing in this section shall, however, be construed in any manner to limit any rights or powers otherwise conferred upon an Authority pursuant to any other provision of this Act.

Section 30. Dissolution of Authority. At any time when the Authority does not have any Securities outstanding, and when there shall be no other obligations assumed by the Authority that are then outstanding, the Board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon the filing for record of a certified copy of said resolution in the office of the judge of probate in which the certificate of incorporation of the Authority was filed, the Authority shall thereupon stand dissolved, and in the event that it owned any assets or property at the time of its dissolution, the title to all its assets and property shall, subject to any constitutional provision or inhibition to the contrary, thereupon vest in one or more Counties or Municipalities in such manner and interests as may be provided in the said certificate of incorporation; provided however, that if the said certificate of incorporation contains no provision respecting the vesting of title to the assets and property of the Authority, title to all such assets and property shall, subject to any constitutional provision or inhibition to the contrary, thereupon vest in its Authorizing Subdivisions as tenants in common.

Section 31. Multiple Corporations Permitted. Neither the formation or dissolution of one Authority hereunder nor the reincorporation hereunder of a Public Hospital Corporation shall prevent the subsequent incorporation hereunder of another Authority

or the subsequent reincorporation hereunder of another Public Hospital Corporation pursuant to authority granted by one or more of the same Authorizing Subdivisions. Further, any County may authorize the incorporation of an Authority hereunder notwithstanding the existence in such County of a Public Hospital Corporation designated as the agency of such County with respect to public hospital facilities therein pursuant to the provisions of Division 2 of Article 4 of Chapter 21 of Title 22 of the Code.

Section 32. Reincorporation of Existing Corporations. Any Public Hospital Corporation may be reincorporated under this Act, avail itself of all rights, powers and privileges and become subject to all duties, obligations and responsibilities conferred or imposed by this Act, in the following manner:

(a) The board of directors or other governing body of such Public Hospital Corporation shall adopt a resolution stating that it proposes and applies for permission to reincorporate hereunder and containing a form of proposed certificate of reincorporation, which such certificate of reincorporation shall include, with the necessary changes in detail, the information required to be included in a certificate of incorporation described in Section 5 hereof other than that referred to subsection (b)(1) thereof.

(b) Such Public Hospital Corporation shall as promptly as practicable thereafter file a certified copy of such resolution with the Governing Body of each County or Municipality that authorized the formation of such Public Hospital Corporation (and, with respect to any Public Hospital Corporation organized under the provisions of Article 6 of Chapter 21 of Title 22 of the Code, the Governing Body of any other Municipality that is then a "member" thereof); and each such County and Municipality shall be deemed an "Authorizing Subdivision" with respect to any such Public Hospital Corporation reincorporated hereunder.

(c) The Governing Body of each Authorizing Subdivision shall, as promptly as may be practicable after the filing of said certified resolution, review and act upon the said resolution and application in the manner, with the necessary changes in detail, prescribed in Section 4 hereof.

(d) The chairman (or other principal officer) and the secretary of such Public Hospital Corporation shall thereupon sign and acknowledge a certificate of reincorporation, in the form included in the resolution referred to in subsection (a) of this section, and cause it to be filed for record in the office specified in the preceding Section 5.

(e) Thereupon, such certificate of reincorporation shall be filed

and recorded by the judge of probate as provided in Section 5 hereof, and the existence of such Public Hospital Corporation as an Authority under this Act shall begin upon the filing of such certificate of reincorporation as provided for in this section.

No such reincorporation shall in any manner affect the rights of creditors or the rights or liabilities of the Public Hospital Corporation existing at the time of such reincorporation or shall (any provision of law to the contrary notwithstanding) necessitate the obtaining by such reincorporated Public Hospital Corporation or the reissuance of any certificate of need, assurance of need or other similar permit. With respect to any Public Hospital Corporation reincorporated hereunder, any reference herein to a certificate of incorporation thereof shall also include and refer to its certificate of reincorporation.

Section 33. Provisions Exclusive. Any Authority organized under the provisions of this Act (as well as any Public Hospital Corporation reincorporated hereunder) shall, insofar as the subject matter of this Act is concerned, be governed exclusively by the provisions of this Act, which shall not be construed in pari materia with any other statute.

Section 34. Cumulative Effect of Act. This Act shall not be construed as a restriction or limitation upon any power, right or remedy which any County, Municipality or Public Hospital Corporation now in existence or hereafter formed may have in the absence of this Act. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with the provisions of this Act.

Section 35. Use of Proceeds from Hospital Taxes. Nothing in this Act shall be construed to permit the use, by or for the benefit of any Authority, of the proceeds of any Hospital Tax for any purpose, at any place, or in connection with any Health Care Facilities, not permitted or described in the constitutional, statutory or other provision of law authorizing the imposition, levy and collection of such Hospital Tax or the use of the proceeds therefrom. In order to assure the lawful disposition of such Hospital Tax proceeds, the Board may require the deposit thereof into special funds or accounts established for that purpose and the accounting therefor in such manner as the Board may deem necessary.

Section 36. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 37. Repeal of Inconsistent Laws. All laws, general,

special or local, inconsistent or in conflict with this Act are hereby repealed to the extent of such inconsistency or conflict, it being expressly declared that the provisions of House Bill 167 or Senate Bill 253 (both introduced at the 1982 Regular Session of the Legislature) or other similar legislation shall not, if enacted, apply to this Act.

Section 38. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-419 H. 697—Rep. Owens

AN ACT

To make an additional appropriation for salaries and other expenses for the use of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations heretofore made, the amount of one million dollars ($1,000,000.00) from the general fund of the state treasury for salaries and expenses of the Legislature.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1982

Time: 4:00 P.M.

Act No. 82-420 H.J.R. 306—Rep. Ray

HOUSE JOINT RESOLUTION

ENDORSING AND COMMENDING SEPTEMBER 19, 1982, AS "FAMILY DAY."

WHEREAS, the Legislature of Alabama notes that the family is the basic unit of Western civilization; and

WHEREAS, Christians cherish the family where husband and wife are one in affection and respect and where children are a common bond of care and love; and

WHEREAS, the future of our community, state and nation rests squarely on the success of the family as an institution in rearing and nurturing our children; and

WHEREAS, present trends of teenage pregnancy and illegitimacy shake the foundation of the institution of the family; and

WHEREAS, the Charles Henderson Child Health Center, area ministers and other community organizations in Pike County and the City of Troy have set aside Sunday, September 19, as a day to honor and strengthen the family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily endorse, support and commend Family Day, Sunday September 19, 1982, as a time for celebration and strengthening of the family and proclaim this concept as one worthy of emulation throughout our State and Nation.

Approved April 30, 1982

Time: 10:30 A.M.

Act No. 82-421 S. 24—Mr. Vacca

AN ACT

To require that persons who transport children under the age of three use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Every person transporting a child under the age of three (3) years in a motor vehicle registered in this state and operated on the roadways, streets, or highways of this state, shall provide for the protection of the child by properly using a child passenger restraint system meeting applicable federal motor vehicle safety standards. Provided that in no event shall failure to wear a child passenger restraint system be considered as contributory negligence.

Provided that the term "motor vehicle" as used in this act shall not apply to trucks or buses having tonnage rating of one ton or more.

Section 2. No provision of this act shall be construed as creating any duty, standard of care, right, or liability between parent and child that is not recognized under the laws of the State of Alabama as they presently exist, or may, at any time in the future, be constituted by statute or decision.

Section 3. Any person violating the provisions of this act may be fined not more than ten dollars ($10.00) for each offense.

Section 4. The provisions of this Act notwithstanding, nothing contained herein shall be deemed a violation of any law which would otherwise nullify or change in any way the provisions or coverage of any insurance contract.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not render the entire Act invalid.

Section 7. This Act shall become effective within sixty days after its passage and approval by the Governor.

Approved April 30, 1982

Time: 2:30 P.M.

Act No. 82-422 H. 9—Rep. Starkey

AN ACT

To validate, in certain cases, port authorities attempted to be incorporated under the provisions of Act No. 80-647 adopted at the 1980 Regular Session of the Legislature of Alabama (Sections 11-94-1 et seq. of the Code of Alabama 1975, as amended) and invalid because of any irregularity in the procedure for incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases where there has heretofore been an attempt to incorporate a port authority under the provisions of Act No. 80-647 adopted at the 1980 Regular Session of the Legislature of Alabama (Sections 11-94-1 et seq. of the Code of Alabama 1975, as amended), and the incorporation of such authority was approved by the Director of State Docks and a certificate of incorporation with respect to such authority has been filed in the offices of the Judge of Probate of the county in which such authority was sought to be incorporated, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the attempted incorporation of such port authority with respect to which such certificate of incorporation has been filed shall be and hereby is validated ad initio, notwithstanding any irregularity in the procedure for the incorporation of such port authority including, without limiting the generality of the foregoing, (a) the failure of the State Docks Advisory Committee to take any action or to adopt any resolution with respect

to such incorporation, (b) the failure of the certificate of incorporation to state that the State Docks Department had adopted a resolution granting permission to organize such authority or the date of adoption of such resolution, or (c) the failure of such Judge of Probate to approve such certificate of incorporation and make an order so approving it.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 4, 1982

Time: 3:00 P.M.

Act No. 82-423 H. 28—Reps. Turnham, Sasser

AN ACT

To amend Section 29-1-9, Code of Alabama 1975, relating to compensation of legislative interim committees, so as to remove the one-time mileage restriction.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-1-9, Code of Alabama 1975, is hereby amended to read as follows:

"§ 29-1-9. The compensation of all members of the legislative interim committees provided for by joint resolution or act of the two houses of the legislature shall be $10.00 per day for the entire time while engaged in its work, except in cases of adjournment exceeding three days. The members of such committees shall collect mileage in traveling to and from the residence of such members to the Capitol for not more than one round-trip per week. Persons employed by said several committees shall be paid such reasonable compensation as may be fixed by the committee making the employment. The chairman of each such committee shall certify to the comptroller what amount is due each member or employee and the comptroller shall draw his warrant therefor on the treasurer. No legislative interim committee or its employees shall receive compensation for more than 60 days."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 4, 1982

Time: 3:00 P.M.

Act No. 82-424 H. 73—Rep. Grouby

AN ACT

To provide for a state income tax refund check-off designation for the support of nongame wildlife programs in Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The legislature hereby declares that all vertebrate wildlife species not commonly pursued, killed, or consumed either for sport or profit, herein referred to as "nongame wildlife", have need of special protection and that it is in the public interest to preserve, protect, perpetuate, and enhance such nongame wildlife resources of this state through preservation of a satisfactory environment and an ecological balance. The legislature specifically declares that such "nongame wildlife" is under the jurisdiction of the Game and Fish Division of the Department of Conservation and Natural Resources, and that it is in the best interest of the citizens of Alabama to provide an additional means by which the management of such nongame wildlife may be financed through a voluntary check-off designation on state income tax return forms. The intent of the legislature is that this check-off program shall be supplemental to any funding, and in no way is intended to take the place of any funding, that would otherwise be appropriated for this purpose.

Section 2. (a) Each Alabama state individual income tax return form for the 1982 tax year and each year thereafter shall contain a designation as follows:

ALABAMA NONGAME WILDLIFE PROGRAM

Check () if you wish to designate $1, $5, $10 or more of your state income tax refund for this program.

If joint return, check () if spouse wishes to designate $1, $5, $10 or more.

(b) Each individual taxpayer required to file a state income tax return pursuant to Title 40, Chapter 18 of the Code of Alabama 1975 desiring to contribute to the Alabama nongame wildlife program may designate, by placing an "X" in the appropriate box on the state income tax form, that such contribution shall be credited to said program.

Section 3. The Department of Revenue shall determine annually the total amount designated pursuant to section 2 of this act for the Alabama nongame wildlife program and shall deposit such amount, less costs of administration not to exceed ten percent

of revenue produced, in the state treasury to the credit of the game and fish fund to be used exclusively for purposes of preserving, protecting, perpetuating and enhancing nongame wildlife in this state.

Section 4. The Commissioner of the Department of Revenue and the Commissioner of the Department of Conservation and Natural Resources are hereby authorized to prescribe and implement such forms, rules and regulations as shall be necessary to carry out the intent of this act. Nothing in this act shall be construed to give any rights of condemnation to the Department of Conservation and Natural Resources.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 4, 1982

Time: 3:00 P.M.

Act No. 82-425 H. 75—Rep. Cosby

AN ACT

To amend section 41-16-51, Code of Alabama 1975, as amended, relating to competitive bids so as to exempt purchases of Local Housing Authorities organized under Chapter 1, Title 24, Code of Alabama 1975, from monies other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-51, Code of Alabama 1975, as amended, is hereby amended further to read as follows:

"§ 41-16-51. (a) Competitive bids shall not be required for utility services, the rates for which are fixed by law, regulation or ordinance, and the competitive bidding requirements of this article shall not apply to:

"(1) The purchase of insurance;

"(2) The purchase of ballots and supplies for conducting any primary, general, special or municipal election;

"(3) Contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, consultants, certified public accountants, public accountants or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part:

"(4) Contracts of employment in the regular civil service;

"(5) Contracts for furnishing of fiscal or financial advice or services;

"(6) Purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with sections 21-2-1 through 21-2-4;

"(7) Purchase of maps or photographs from any federal agency;

"(8) Purchases of manuscripts, books, maps, pamphlets or periodicals;

"(9) The selection of paying agents and trustees for any security issued by a public body; nor

"(10) Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible of award by competitive bidding.

"(b) This article shall not apply to:

"(1) Any purchasers of products where the price of such products is already regulated and established by state law;

"(2) Purchases made by individual schools of the county or municipal public school systems from moneys other than those raised by taxation or received through appropriations from state or county sources;

"(3) The purchase, lease, sale, construction, installation, acquisition, improvement, enlargement or expansion of any building or structure or other facility designed or intended for lease or sale by a medical clinic board organized under the provisions of sections 11-58-1 through 11-58-14;

"(4) The purchase, lease or other acquisition of machinery, equipment, supplies and other personal property or services by a medical clinic board organized under the provisions of sections 11-58-1 through 11-58-14;

"(5) Purchases for public hospitals and nursing homes operated by the governing boards of instrumentalities of the state, counties and municipalities;

"(6) Contracts for the purchase, lease, sale, construction, installation, acquisition, improvement, enlargement or extension of any plant, building, structure or other facility or any machinery, equipment, furniture or furnishings therefor designed or intended for lease or sale for industrial development, other than public utilities, under the provisions of sections 11-54-80 through 11-54-99 or sections 11-54-20 through 11-54-28 or any other statute or amendment to the Constitution of Alabama heretofore or hereafter enacted or adopted authorizing the construction of plants or other facilities for industrial development or for the construction and equipment of buildings for public building authorities under the provisions of sections 11-56-1 through 11-56-22; nor

"(7) The purchase of equipment, supplies or materials needed, used and consumed in the normal and routine operation of any waterworks system, sanitary sewer system, gas system or electric system, or any two or more thereof, that are owned by municipalities, counties or public corporations, boards or authorities that are agencies, departments or instrumentalities of municipalities or counties and no part of the operating expenses of which system or systems have, during the then current fiscal year, been paid from revenues derived from taxes or from appropriations of the state, a county or a municipality.

"(8) Purchases made by Local Housing Authorities, organized and existing under Chapter 1, Title 24, Code of Alabama 1975, from monies other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

"(c) The said state trade schools, state junior colleges, state colleges and universities under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state shall establish and maintain such purchasing facilities and procedures as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each such state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards

of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions.

"(d) Contracts entered into in violation of this article shall be void."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 4, 1982

Time: 3:00 P.M.

Act No. 82-426 H. 100—Reps. Johnson (RG), Carothers, Roberts, Patton

AN ACT

To specifically prohibit the manufacture, distribution, possession, advertisement and sale to minors of "look alike" or imitation controlled substances; to establish definitions and penalties; to provide for seizure and forfeiture of such substances.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title

This act shall be known and may be cited as the Imitation Controlled Substances Act.

Section 2. Definitions

a. The term "controlled substance" means a substance as defined in Section 20-2-2 of the 1975 Code of Alabama, as amended.

b. The term "imitation controlled substance" means a substance, other than a legend controlled drug, that is not a controlled substance, which by dosage unit appearance (including color, size, shape and markings), and by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In the cases where the appearance of the dosage unit is not reasonably sufficient to establish that the substance is an "imitation controlled substance" (for example as in the case of a powder or liquid), the court or authority concerned should consider, in addition to all other logically relevant factors, the following factors, the following factors as related to "representations made" in determining whether the substance is an "imitation controlled substance":

(1) Statements made by the owner or anyone else in control of the substance concerning the nature of the substance, its use or effect.

(2) Statements made to the recipient that the substance may be resold for an inordinate profit.

(3) Whether the substance is packaged in a manner normally used for illicit controlled substances.

(4) Evasive tactics or actions utilized by the owner or person in control of this substance to avoid detection by law enforcement authorities.

(5) Prior convictions, if any, of an owner or anyone in control of the substance, under state or Federal law related to controlled substances or fraud.

(6) The proximity of the substances to controlled substances.

c. The term "distribute" means the actual, constructive or attempted transfer, delivery, or dispensing to another of an imitation controlled substance.

d. The term "manufacture" means the production, preparation compounding, processing, encapsulating, packaging, or repackaging, labeling or relabeling of an imitation controlled substance.

Section 3. Offenses and Penalties

a. Manufacture or distribution – It is unlawful for any person to manufacture, distribute, or process with intent to distribute or sell an imitation controlled substance. Any person who violates this section shall be guilty of a Class A misdemeanor under the Alabama Criminal Code as amended.

b. Distribution to a minor – Any person 18 years of age or older who violates Section 3a by distributing or selling an imitation controlled substance to a person under 18 years of age shall be guilty of a Class C felony under the Alabama Criminal Code as amended.

c. Possession – It is unlawful for any person to use or possess with intent to use, an imitation controlled substance. Any person who violates this Section shall be guilty of a Class C misdemeanor under the Criminal Code as amended.

d. Advertisement – It is unlawful for any person to place in any newspaper, magazine, handbill or other publication, or to post or distribute in any public place, any advertisement or solicitation with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution or sale of an imitation con-

trolled substance. Any person who violates this Section shall be guilty of a Class B misdemeanor under the Alabama Criminal Code as amended.

e. Immunity – No civil or criminal liability shall be imposed by virtue of this Act on any person registered under the Controlled Substances Act who manufactures, distributes, or possesses a placebo, or investigational new drug in the course of professional practice or research.

Section 4. Forfeiture and seizure

Section 20-2-93 of the Code of Alabama is amended to provide for the forfeiture and seizure of imitation controlled substances by adding the following after Section (a) (5):

(6) All imitation controlled substances as defined by (list appropriate citation for this Act).

Section 5. Severability

If any provision of this Act or the application of the Act to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the Act which can be given effect without the invalid provision or application and, to this end, the provisions of this Act are severable.

Section 6. Legislative Intent

It is the intent of the Legislature to remove the merchandising of the "imitation controlled substance" or lookalike drug" from the street corners, school yards, and campuses of our State, not to interfere with the legitimate distribution of "over the counter" formulations used for the treatment of illness dispensed or sold by licensed practitioners.

Section 7. Exceptions

Nothing in this Act shall apply to a non-controlled substance that was initially introduced into commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate.

Section 8. Effective date

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 4, 1982

Time: 3:00 P.M.